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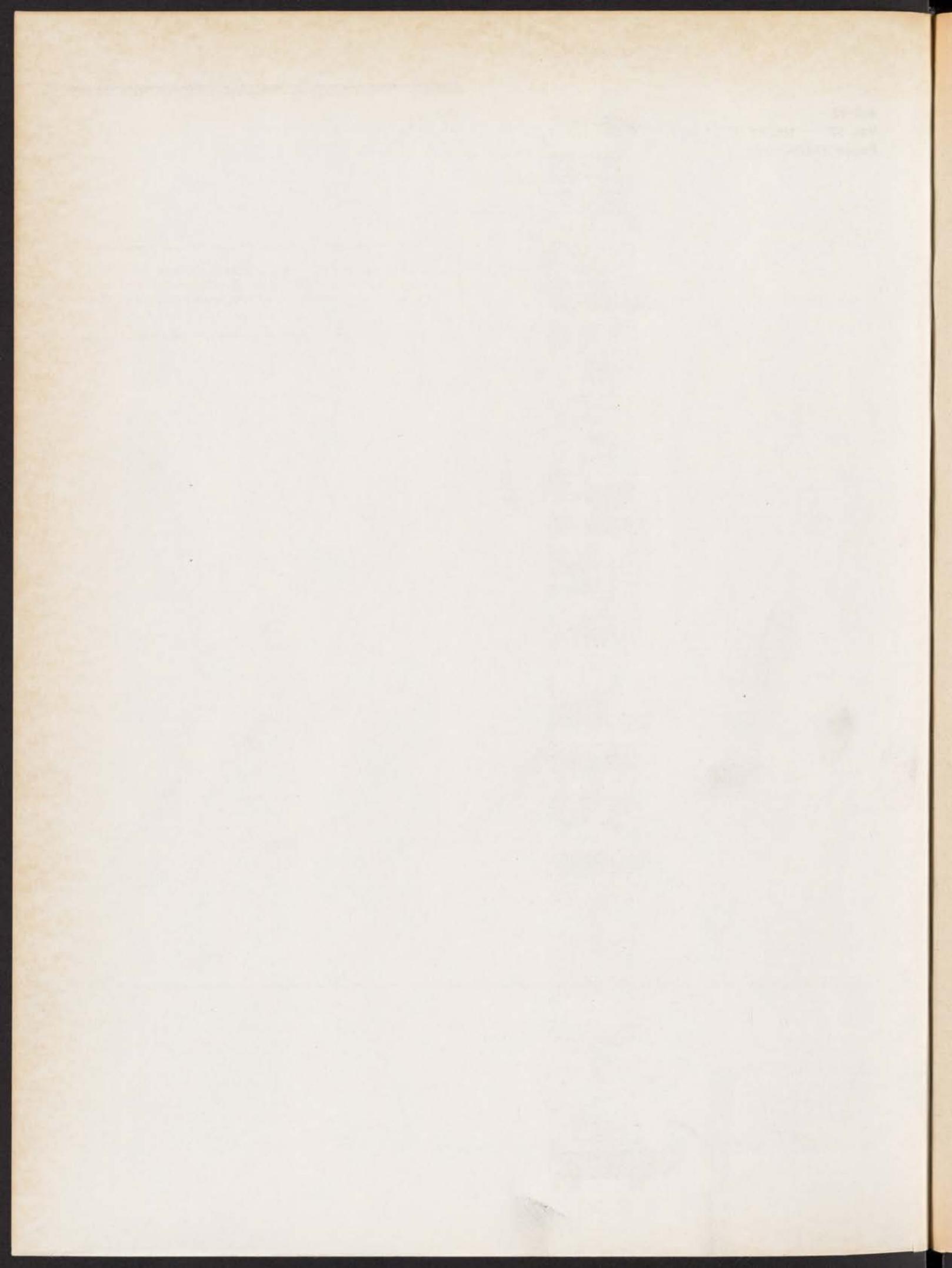
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Federal Register

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This section of the **FEDERAL REGISTER** contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first **FEDERAL REGISTER** issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 54

[No. LS-91-009]

Changes in Fees for Federal Meat Grading and Certification Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing the grading and certification of meats, prepared meats, and meat products by increasing the hourly fee rates for voluntary Federal grading and certification services. The hourly fees will be adjusted by this final rule to reflect the increased cost of providing service and ensure that the Federal meat grading program is operated on a financially self-supporting basis as required by law.

EFFECTIVE DATE: The final rule will be effective April 6, 1992.

FOR FURTHER INFORMATION CONTACT:

J. Dean Lowell, Chief, Meat Grading and Certification Branch, Livestock and Seed Division, AMS, USDA, room 2638-S, P.O. Box 96456, Washington, DC 20090-6456 (202/720-1113).

SUPPLEMENTARY INFORMATION:

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations, or policies. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

Regulatory Impact Analysis

This action was reviewed under the USDA procedures established to implement Executive Order 12291 and was classified as a nonmajor rule pursuant to section 1(b) (1), (2), and (3) of that Order. Accordingly, a regulatory impact analysis is not required. This action was also reviewed under the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*).

The Administrator of the Agricultural Marketing Service has determined that this rule will not have a significant economic impact on a substantial number of small entities. The changes in the hourly fee rates are necessary to recover the costs of providing voluntary Federal meat grading and certification services. Continuing industry consolidation and the associated increases in efficiency has allowed the industry to use meat grading and certification services in a more efficient manner. This has resulted in fewer meat graders performing meat grading and certification services on larger volumes of product. Consequently, the unit cost of meat grading and certification services to the industry has been reduced from \$0.0015 to approximately \$0.0011 per pound.

Background

The Secretary of Agriculture is authorized by the Agricultural Marketing Act of 1946, as amended, 7 U.S.C. 1621 *et seq.*, to provide voluntary Federal meat grading and certification services to facilitate the orderly marketing of meat and meat products and to enable consumers to obtain the quality of meat they desire. The AMA also provides for the collection of fees from users of Federal meat grading and certification services that are approximately equal to the costs of providing these services. The hourly fees for service are established by equitably distributing the projected annual program operating costs over the estimated hours of service—revenue hours—provided to users of the service. Program operating costs include salaries and fringe benefits of meat graders, supervision, travel, training, and all administrative costs of operating the program. Employee salaries and benefits account for approximately 80 percent of the total budget. Revenue hours include base hours, premium hours, and service performed on Federal legal holidays. As

program operating costs change, the hourly fees must be adjusted to enable the program to remain financially self-supporting as required by law. The program last changed the hourly fee rate structure in May of 1990. In fiscal year 1991, the program was faced with a congressionally mandated 4.1 percent pay cost increase for Federal employees effective January 14, 1991, a congressionally mandated 8.0 percent locality pay cost increase in Los Angeles and San Francisco, California, and New York, New York, and non-salary inflationary cost of 4.0 percent. These cost increases were \$677,000. The program will continue to incur these expenses in fiscal year 1992 and beyond. In fiscal year 1992, the program experienced a congressionally mandated salary increase for Federal employees of 4.2 percent effective January 12, 1992, a projected nonsalary inflation of 4.0 percent, and the program expects an administratively determined, one-time intermittent personnel benefit cost of approximately \$270,000. Totaled, these cost increases are \$859,000.

The combined cost increases for fiscal years 1991 and 1992 will result in the program incurring an ongoing cumulative operating deficit in excess of \$1.5 million. Such costs are more than the program can absorb and remain viable. In addition to the increased operating expenses in fiscal year 1991, the program experienced a decline in revenue resulting from the continuing industry consolidation and the accompanying increase in efficiency. As the nationwide industry's ability to utilize grading and certification services increasingly becomes more efficient, less Federal meat graders are needed. To adjust to the industry's reduced need for grader positions, the program in fiscal year 1991 held in abeyance all hiring of new graders and reduced supervisory positions to levels established by program policy for appropriate grader/supervisory ratios. In fiscal year 1992, the program anticipates a continuation of this broad-based industry trend and a corresponding reduction in revenue.

The program has devised a long-term strategic plan to effectively deal with the changing service needs of the industry. Beginning October 1, 1991, the program initiated a reorganization of its field structure. The reorganization closed one regional office—effective

October 1, 1991—and will result in subsequent restructuring of field operations over the next 3 years. In total, the restructuring and other streamlining efforts when fully implemented, will save an estimated \$700,000 in fiscal year 1992. This cost saving will directly offset the projected reduction in revenue during the corresponding timeframes.

Uncontrollable costs thrust upon the program by such factors as governmentwide salary increases, inflation, and changes in individual employee entitlements will continue to create substantial operating deficits. The operating deficits generated by costs outside the control of the program can only be liquidated or prevented by adjusting the hourly fee-rate charged to users of the service. Any further reduction in personnel, services, or supervisory infrastructure beyond those already planned would have a detrimental effect on the program's ability to offer uniform nationwide meat grading and certification services.

Comments

On December 11, 1991, the Agency published in the **Federal Register** (56 FR 64562) a proposed rule to increase the fees for Federal meat grading and certification services. This proposed rule was published with requests for comments as a means of providing full public participation in the rulemaking process. Comments on this proposed rule were requested by January 10, 1992. During the 30 day comment period, the Agency received comments from two industry trade associations.

Discussion of Comments

Both comments questioned the necessity of our current fee increase. They generally suggested that administrative and overhead costs be reduced and that we more effectively cross-utilize employees with other agencies to lessen the financial burden on the meat industry.

The Agency acknowledges the need for and importance of providing grading and certification services in an efficient cost-effective manner. The last two fee raises, July 1989 and May 1990, along with our current proposal, would equal an annualized average increase of 5.2 percent per year. In light of congressionally mandated salary increases in excess of 4 percent and inflationary cost increases of approximately 5.0 percent each of the last 3 years, the Agency is providing cost-effective service. The Meat Grading and Certification Branch is in the process of dramatically reducing overhead costs by restructuring and

reorganizing its field structure in fiscal year 1992.

These efforts will yield an ongoing savings of approximately \$700,000 per year. Plans are in progress for further restructuring of field operations that will yield similar savings in the future. This restructuring must be systematically accomplished in order to maintain adequate supervisory controls. The Agency must retroactively make a one-time back payment of \$270,000 to its intermittent personnel (part-time employees) who were utilized to provide grading and certification services to the meat industry. The payment is for back pay and leave benefit entitlements for these employees in accordance with Federal regulations.

Even with increased operating efficiencies, the program is unable to absorb any additional increases in program operating costs without corresponding increases in the hourly fee rate, or significant reductions in program services. The Agency has determined that unless fees are adjusted appropriately, it will incur a loss of \$1.5 million due to the increased costs of operating the program and the corresponding projected, reduced revenue during fiscal year 1992.

One commenter urged the Agency to increase cross-utilization of employees, provide new methods in charging for service, and also stated that this fee increase would further industry consolidation. During the past several years, the Agency has increased cross-utilization of employees within its own Divisions, as well as with other Federal and State agencies. This has given the Agency the ability to provide cost-effective service to many areas of the nation. We will continue to explore and utilize these alternatives. To further reduce operating costs and address continuing fluctuations in work loads nationwide, the Agency has increased its use of intermittent personnel. This has enabled the Agency to deliver more efficient, cost-effective service to the industry. Use of this type of work force will continue in the future.

Regarding the comments addressing establishing the fee on a volume basis, the Agency has explored other methods of charging for its service. However, due to the multitude of differing operations and the great diversity of product graded and certified, we have been unable to find alternative means that would be equitable to all users of the service. Additionally, most of the costs incurred in providing service are based on hourly amounts, and this provides a sound basis for efficiently operating the service.

As for this fee increase contributing to the further consolidation of the meat industry, the Agency has aligned its programs and work force to provide for efficient delivery of services. The Agency has continually restructured and reorganized its organization to meet the reduced demand for its services. It will continue to address the changing needs for its services and continue providing efficient, cost-effective service to the industry in the future. The Agency believes that the financial impact of the current fee rates and this fee-rate increase will be minimal on the industry and consumers. Even though users of the service will pay more per hour, the meat industry, as a whole, will be using less total hours of service; however, since the total volume of meat graded and certified is expected to remain about the same, the unit cost for these services to the industry, and ultimately the consumer, will be reduced to approximately \$0.0011 per pound.

In view of the foregoing considerations, the Agency will increase the base hourly rate for commitment applicants for voluntary Federal meat grading and certification services from \$30.80 to \$34.00. A commitment applicant is a user of the service who agrees, by commitment or agreement memorandum, to the use of meat grading and certification services for 8 consecutive hours per day, Monday through Friday, between the hours of 6 a.m. and 6 p.m., excluding legal holidays. The basis hourly rate for noncommitment applicants for voluntary Federal meat grading and certification services will increase from \$33.20 to \$36.40 and will be charged to applicants who utilize the service for 8 consecutive hours or less per day, Monday through Friday, between the hours of 6 a.m. and 6 p.m., excluding legal holidays. The premium hourly rate for all applicants will be increased from \$38.80 to \$42.00 and will be charged to users of the service for the hours worked in excess of 8 hours per day, between the hours of 6 a.m. and 6 p.m., and for hours worked from 6 p.m. to 6 a.m., Monday through Friday, and for any time worked on Saturday and Sunday, except on legal holidays. The holiday rate for all applicants will be increased from \$61.60 to \$68.00 and will be charged to users of the service for all hours worked on legal holidays.

The Agricultural Marketing Act of 1946 requires that fees approximately cover the cost of services provided under the meat grading and certification program. The Agency is responsible for operating the meat grading and certification program in a prudent

manner. Since January 12, 1992, when the Governmentwide salary and benefit increases became effective, the program's hourly fee rate has not been sufficient to recover the cost of providing such services. Therefore, the Agency must act to increase fees and reduce operating losses as soon as possible.

Pursuant to 5 U.S.C. 553, it is hereby found that good cause exists for not delaying the effective action until 30 days after publication of this final rule in the *Federal Register*. Therefore, this final rule will be effective on April 6, 1992.

List of Subjects in 7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

Accordingly, the section of the regulations appearing in 7 CFR part 54 relating to hourly fees for Federal meat grading and certification of meats, prepared meats, and meat products is amended as follows:

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for part 54 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, secs. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

§ 54.27 [Amended]

2. In § 54.27(a), the third sentence is amended by revising "\$33.20" to read "\$36.40", "\$38.80" to read "\$42.00", and "\$61.60" to read "\$68.00".

3. In § 54.27(b), the second sentence is amended by revising "\$30.80" to read "\$34.00", "\$38.80" to read "\$42.00", and "\$61.60" to read "\$68.00".

Done at Washington, DC, on March 27, 1992.

Daniel Haley,
Administrator.

[FR Doc. 92-7543 Filed 4-2-92; 8:45 am]
BILLING CODE 3410-02-M

Federal Grain Inspection Service

7 CFR Part 800

Issuance of Official Certificates

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim rule with request for comment.

SUMMARY: The Federal Grain Inspection Service (FGIS) is revising the regulations under the United States Grain Standards

Act (USGSA) regarding the required issuance by official inspection personnel of an official certificate for each single-lot inspection of grain in a land carrier, container, or barge. Specifically, FGIS is revising the requirement by establishing an exception for such lots of grain inspected according to instructions that permit certification at the option of the applicant for inspection. FGIS has determined that official certificates are not always necessary to the trading of grain. This action will allow the implementation of instructions that provide for issuing certificates on an optional basis.

EFFECTIVE DATE: April 3, 1992.

Comments must be received on or before May 4, 1992.

ADDRESSES: Written comments must be submitted to George Wollam, FGIS, USDA, room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454; telecopy users may respond to the automatic telecopier machine at (202) 720-4628.

All comments received will be made available for public inspection in room 0632 USDA South Building, 1400 Independence Avenue SW., Washington, DC, during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

George Wollam, FGIS, USDA, room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454; (202) 720-0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This interim rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. The United States Grain Standards Act provides in section 87g that no state or subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this interim rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

John C. Foltz, Administrator, FGIS, has determined that this interim rule will not have a significant economic impact on a substantial number of small entities because it relieves regulatory requirements and reduces costs associated with official inspections.

Paperwork Reduction

The information collection requirements contained in the rule being amended have been previously approved by the Office of Management and Budget under control number 0580-0011.

Background

Currently, § 800.84(c) of the regulations requires that an official certificate be issued by official inspection personnel for the inspection of grain in each truck, trailer, truck/trailer combination, railcar, barge, or similarly sized carrier, unless the grain is part of a combined lot or bulkhead lot. Furthermore, § 800.160(a) of the regulations requires the issuance of official certificates for all inspection services except for certain local movements of shiplot grain.

In many instances, official certificates are not needed by applicants for inspection services or by other parties to grain transactions. This is evidenced by the fact that many certificates are discarded immediately upon receipt. In addition, these unwanted certificates require a certain amount of time to prepare and distribute. This increases the cost of providing official inspection services and may cause delays in elevator operations.

From September 1, 1991, to January 31, 1992, FGIS conducted a pilot study to determine the feasibility of offering a "flexible" inspection service that would allow the users to tailor the service to fit their individual needs. These users could select specific features from other "complete" services or modify the current inspection procedures, without sacrificing the quality of the inspection. This study concluded that State and private official agencies were capable of providing a "flexible" service and, more importantly, that the grain industry wants and will use such a service, if it is cost-effective and timely.

Subsequently, FGIS developed a new "flexible" inspection service: The official commercial inspection service. This service was specifically designed to facilitate the marketing of grain at locations where other kinds of official inspection services are too costly or

time-consuming. Like other official services, the official commercial inspection service provides an impartial assessment of grain quality (grade, official factors, and other criteria) by FGIS-licensed or authorized inspectors, using FGIS-approved and checktested equipment. In addition, it allows applicants for inspection—working with FGIS or an official agency—to modify the sampling and inspection procedures to fit their individual needs. To foster additional savings, the instruction that establishes the official commercial inspection service provides for issuing certificates on an optional basis, upon request.

FGIS anticipates that official agencies will reduce costs for official commercial inspection services. Most users of official commercial inspection service should be able to reduce their total service costs by 10 to 40 percent.

FGIS has projected that the introduction of the official commercial inspection service will increase the number of trucklot inspections performed by State and private official agencies by as much as 25 percent within three years, from 360,452 trucklots in FY 1991 to 450,000 in FY 1994. Hopper carlot inspections should increase by about 10 percent during the same period, from 944,246 in FY 1991 to 1 million in FY 1994. The number of trucklot and hopper carlot inspections performed by FGIS would also increase by nearly as much. Consequently, this service could save the industry between \$350,000 to \$2.2 million a year in fees and charges for inspection services compared to the current inspection system.

Final Action

Allowing the implementation of instructions that provide for issuing certificates on an optional basis will reduce a significant regulatory burden, have a positive economic impact on the U.S. grain industry, and facilitate the orderly and timely marketing of grain, particularly at country elevators and other points of first delivery.

Accordingly, this interim rule revises the requirement that an official commercial certificate must be issued for each single-lot inspection of grain in a land carrier, container, or barge by establishing an exception for such lots of grain inspected according to instructions that allow optional certification. Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the

effective date of this rule until 30 days after publication in the *Federal Register*.

This rule relieves regulatory provisions and requires no advance preparation or planning by affected persons. It should be made effective as soon as possible in order to facilitate the orderly marketing of grain. A 30-day comment period is provided to allow interested persons to comment on this interim final rule prior to its finalization.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, and Grain.

PART 800—GENERAL PROVISIONS

For reasons set out in the preamble, 7 CFR part 800 is amended as follows:

1. The authority citation for part 800 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended. (7 U.S.C. 71 *et seq.*).

2. Section 800.84(c) is revised to read as follows:

§ 800.84 Inspection of grain in land carriers, containers, and barges in single lots.

* * *

(c) *One certificate per carrier: exceptions.* Except as provided in this paragraph, one official certificate shall be issued for the inspection of the grain in each truck, trailer, truck/trailer(s) combination, railcar, barge, or similarly sized carrier. The requirements of this paragraph are not applicable:

(1) When grain is inspected in a combined lot under § 800.85;

(2) When grain is inspected under paragraph (d) of this section; or

(3) When certification is at the option of the applicant in accordance with instructions.

* * *

3. Section 800.160(a) is revised to read as follows:

§ 800.160 Official certificates; issuance and distribution.

(a) *Required issuance.* An official certificate shall be issued for each inspection service and each weighing service except as provided §§ 800.84, 800.129, and 800.139 and paragraph (b) of this section.

* * *

Dated: March 19, 1992.

John C. Foltz,

Administrator.

[FR Doc. 92-7619 Filed 4-2-92; 8:45 am]

BILLING CODE 3410-EN-M

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 932 and 941

[92-185.1]

Operations of the Office of Finance

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board ("Finance Board") is promulgating its final rule on the reorganization of the Office of Finance, a joint office of the Federal Home Loan Banks ("FHLBanks"), that will alter the management structure of the Office of Finance and enhance its ability to fulfill its mission of issuing FHLBank consolidated bonds or notes.

EFFECTIVE DATE: April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Thomas D. Sheehan, Assistant Director, Financial Division, District Banks Directorate, (202) 408-2870, or Charles Szlenker, Attorney, Office of General Counsel, (202) 408-2554, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background and Introduction

Since 1989 the Finance Board has succeeded to the duties of the former Federal Home Loan Bank Board ("FHLBB") in its capacity as the regulator of the FHLBank System, pursuant to the Federal Home Loan Bank Act. One such duty is to issue the FHLBank consolidated debentures, bonds or notes ("consolidated obligations") that are the joint and several obligations of the 12 FHLBanks. 12 U.S.C. 1430 (b) and (c) (Supp. I, 1989). The capital raised through the sale of the consolidated obligations is channeled by the FHLBanks to their members, through secured advances, and in turn used for residential housing finance. In this way, the FHLBank consolidated obligations are an important link in the chain of home mortgage financing in the nation.

On January 24, 1992 the Finance Board issued an interim final rule that reorganized the structure of the Office of Finance. 57 FR 2832 (Jan. 24, 1992). The reasons for the restructuring were described in the **SUPPLEMENTARY INFORMATION** portion of that rule. See generally *id.* at 2832-33. The Finance Board provided for a 30-day comment period, notwithstanding that it was promulgating the rule in final form. That action accorded the public an opportunity to give constructive

commentary about the restructuring effort.

II. Changes to Final Rule

The Finance Board has received comments suggesting a change in the quorum requirements for meetings of the Office of Finance Board of Directors ("OF Board"). After deliberating on the proposal, the Finance Board determined that there is no overriding need to require the attendance of all three members of the governing OF Board during a meeting. Therefore, the Finance Board is relaxing the quorum requirement for meetings of the OF Board.

This quorum constitutes a majority of the OF Board membership. The use of a majority of the members as a quorum for meetings is consistent with the United States Supreme Court's view that the common law permits the quorum for a collegial body to be the majority of its members. *See FTC v. Flothill Prod.*, 389 U.S. 179, 183 (1967).

The Finance Board is also changing the method by which the Office of Finance shall reimburse the private citizen member of the OF Board for the cost of attending OF Board meetings, and is increasing the term of each member to three years. The Finance Board is also clarifying that the members of the Board of Directors, notwithstanding their appointments to a term, will serve at the pleasure of the Finance Board.

The Finance Board is permitting the OF Board to set the terms and conditions for indemnifying OF Board members as well as officers and employees of the Office of Finance, and is making miscellaneous technical corrections to the text of the rule.

Regulatory Flexibility Act

The Finance Board has determined, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule will not have a significant impact on small business entities. That analysis is detailed in the interim final rule. See 57 FR 2834 (Jan. 24, 1992).

List of Subjects in 12 CFR Part 941

Organization and functions (Government agencies).

Accordingly, the interim final rule removing 12 CFR 932.55, 932.56 and 932.57 and adding 12 CFR part 941, which was published at 57 FR 2832 on January 24, 1992, is adopted by the Finance Board as a final rule, with the following changes:

PART 941—OPERATIONS OF THE OFFICE OF FINANCE

1. The authority citation for part 941 continues to read as follows:

Authority: Sec. 2B, 103 Stat. 414, as amended (12 U.S.C. 1422b); sec. 11, 47 Stat. 733, as amended (12 U.S.C. 1431).

2. Section 941.6 is amended by adding the phrase "section 21B(c)(1)(A)" in place of "41B(c)(1)(A)" in paragraph (c)(3), and by revising paragraph (c)(2) to read as follows:

§ 941.6 Director of the Office of Finance.

(c) * * *
(2) A member of the Directorate of the Financing Corporation, pursuant to section 21(b)(1)(A) of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1441(b)(1)(A)); and

* * * * *
(3) Section 941.7 is amended by the phrase "to pay in accordance with the travel and expense reimbursement policies in effect at such President's Bank" in place of "to pay" the second place it appears in paragraph (f)(1)(ii), by adding the phrase "a director serving on" in place of "the chairmen of" in paragraph (f)(2), and by revising paragraphs (d)(1), (d)(4)(i) and (d)(4)(ii) to read as follows:

§ 941.7 Office of Finance Board of Directors.

(d) **Terms**—(1) **Length.** Except as provided in paragraphs (d)(3) and (4) of this section, the OF Board of Directors shall serve at the pleasure of the Finance Board or for terms, which shall be staggered, of three years beginning on April 1.

(4) * * *
(i) One of the Bank President members shall serve from the date of appointment until March 31, 1993 or at the pleasure of the Finance Board and the other shall serve from the date of appointment until March 31, 1994 or at the pleasure of the Finance Board.

(ii) The Private Citizen member shall serve from the date of appointment until March 31, 1995 or at the pleasure of the Finance Board.

* * * * *
(4) Section 941.8 is amended by adding the phrase "section 12(a)" in place of "section 32(a)" in paragraph (a), and by adding a new paragraph (d) to read as follows:

§ 941.8 Powers of the Office of Finance Board of Directors.

(d) **Indemnification.** (1) The OF Board of Directors is empowered to determine the terms and conditions under which its members, the Director, and other officers and employees of the Office of Finance will be indemnified by the Office of Finance, provided: that such terms and conditions will not be inconsistent with terms and conditions of indemnification of directors, officers and employees of the Bank System, generally.

(2) Such indemnification procedures, when duly adopted, may be supplemented by a contract of insurance, and all expenses incident to indemnification will be treated as an expense of the Office of Finance.

5. Section 941.10(b) is revised to read as follows:

§ 941.10 Meetings of the Office of Finance Board of Directors.

(b) **Quorum.** A quorum for purposes of OF Board of Directors meetings shall be at least two members.

Dated: March 24, 1992.

By the Federal Housing Finance Board.

Daniel F. Evans, Jr.,
Chairman.

[FR Doc. 92-7411 Filed 4-2-92; 8:45 am]

BILLING CODE 6725-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 576

[Docket No. R-92-1553; FR-2970-C-02]

RIN 2501-AB21

Technical Rule To Phase Out HAP and CHAP and To Phase in CHAS; Adding CHAS to Existing Regulations; Final Rule; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; correction.

SUMMARY: On October 31, 1991 (56 FR 56124) the Department published a final rule in the *Federal Register* to amend existing program regulations that were affected by the interim rule on Comprehensive Housing Affordability Strategies (CHAS) published on February 4, 1991 (56 FR 4480). This document corrects one of the amendatory instructions.

EFFECTIVE DATES: December 2, 1991.

FOR FURTHER INFORMATION CONTACT:

Sally Warner Watts, Senior Attorney Advisor, Office of General Counsel, room 10276, Department of Housing and

Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500; telephone (202) 708-2084. Hearing or speech-impaired individuals may call HUD's TDD number (202) 755-3259. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Item 28 of the final rule published on October 31, 1991 (56 FR 56128) amended § 576.51(b)(2)(i). The instruction, found in column 3, purported to remove "the term 'CHAP' in the two places that it is used and substituting in its place the term 'housing strategy'." The paragraph being amended actually contained the term "CHAP" in three places.

Accordingly, in FR Doc. 91-26211, the amendatory language for the final rule that, in part, amended 24 CFR part 576, published in the *Federal Register* on October 31, 1991 (56 FR 56128), is corrected as follows:

§ 576.51 [Corrected]

On page 56128, in column 3, in the amendatory language for item 28, line 9 is corrected to read: "term 'CHAP' in the three places that it is".

Dated: March 26, 1992.

Grady J. Norris,
Assistant General Counsel for Regulations.
[FR Doc. 92-7651 Filed 4-2-92; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8385]

RIN 1545-AP75

Allocations Attributable to Partnership Nonrecourse Liabilities

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations (TD. 8385), which were published Friday, December 27, 1991 (56 FR 66978). The regulations related to allocations attributable to partnership nonrecourse liabilities.

EFFECTIVE DATE: December 28, 1991.

FOR FURTHER INFORMATION CONTACT: Susan Pace Hamill, 202-377-9470 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains corrections to the final regulations (TD 8385), which were published in the *Federal Register* for Friday, December 27, 1991 (56 FR

66978). The final regulations added new regulation § 1.704-2 to the Income Tax Regulations (26 CFR part 1) under section 704(b) of the Internal Revenue Code of 1986. The regulations related to allocations attributable to nonrecourse liabilities.

Need for Correction

As published, the final regulations contain errors and omissions that may be misleading and are in need of clarification, and do not reflect the extension of transitional rules provided by Notice 88-87.

Correction of Publication

Accordingly, the publication on December 27, 1991, of the final regulations (T.D. 8385), which were the subject of FR Doc. 91-30843, is corrected as follows:

§ 1.704-1 [Corrected]

Paragraph 1. On page 66983, column 1, instructional paragraph 5-6 is removed and instructional paragraphs 5 and 6 are correctly added as follows:

Par. 5. Section 1.704-1(b)(2)(ii)(d)(6) is amended by removing the second parenthetical phrase and adding the following parenthetical phrase in its place "(other than increases pursuant to a minimum gain chargeback under paragraph (b)(4)(iv)(e) of this section or under § 1.704-2(f); however, increases to a partner's capital account pursuant to a minimum gain chargeback requirement are taken into account as an offset to distributions of nonrecourse liability proceeds that are reasonably expected to be made and that are allocable to an increase in partnership minimum gain)".

Par. 6. Section 1.704-1(b)(2)(iv)(r) is amended by removing the word "sentence" and adding the word "sentences" in the last sentence, and by adding prior to that last sentence the following sentence:

"With respect to a partnership that began operating in a taxable year beginning before May 1, 1986, modifications to the partnership agreement adopted on or before November 1, 1988, to make the capital account adjustments required to comply with this paragraph, and otherwise to satisfy the requirements of this paragraph, will be treated as if such modifications were included in the partnership agreement before the end of the first partnership taxable year beginning after April 30, 1986."

§ 1.704-2 [Corrected]

Par. 2. On page 66985, column 1, lines 7 through 9 of § 1.704-2(f)(3) are corrected to read "liability or is used to increase the basis of the property

subject to the nonrecourse liability, and the partner's share of the net decrease in partnership minimum gain results from the repayment or the increase to the property's basis. See".

Par. 3. On page 66986, column 3, in § 1.704(h)(1), lines 3 through 5 are corrected to read: "among the liabilities in proportion to the amount each liability contributed to the increase in minimum gain".

Par. 4. On page 66987, column 1, in § 1.704-2(h)(4), lines 1 through 3 are corrected to read "each liability in proportion to the amount each liability contributed to the increase in minimum gain".

Par. 5. On page 66988, column 3, line 4 of § 1.704-2(l)(1)(ii) is corrected to read "and before December 28, 1991, or a partnership agreement entered into on or before December 29, 1988, that elected to apply former § 1.704-1T(b)(4)(iv) (as contained in the CFR edition revised as of April 1, 1991), complied"

Par. 6. On page 66994, column 3, lines 1 through 9 of the formula in § 1.704-2(m), *Example 4*, paragraph (i), are corrected to read

net increase in the partnership minimum gain for that taxable year X total depreciation deductions for that taxable year on the specific property securing the nonrecourse liability to the extent minimum gain increased on that liability (divided by) total depreciation deductions for that taxable year on all properties securing nonrecourse liabilities to the extent of the aggregate increase in minimum gain on all those liabilities.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-7541 Filed 4-2-92; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1613

Office of Federal Operations; Address Change

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission is amending its regulations to reflect the change of the address of its Office of Federal Operations, from 5203 Leesburg Pike, suite 900, Falls Church, VA 22041, to 1801 L Street, NW., Washington, DC 20507.

EFFECTIVE DATE: April 3, 1992.

FOR FURTHER INFORMATION CONTACT:
Thomas J. Schlageter, Assistant Legal Counsel, or Wendy L. Adams, Attorney, (202) 663-4669.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1616

Administrative practice and procedure, Equal employment opportunity, Government employees.

For the Commission.

Evan J. Kemp, Jr.,
Chairman.

Accordingly, 29 CFR Part 1613 is amended as follows:

PART 1613—EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

1. The authority citation for part 1613 continues to read:

Authority: 42 U.S.C. 2000e-16; 29 U.S.C. 633a; 29 U.S.C. 791 and 794a; 29 U.S.C. 206(d); E.O. 10577, 3 CFR 218 (1954-1958 Comp.); E.O. 11222, 3 CFR 306 (1964-1965 Comp.); E.O. 11478, 3 CFR 133 (1969 Comp.); E.O. 12106, 44 FR 1053 (1978); Reorg. Plan No. 1 of 1978, 43 FR 19807 (1978), unless otherwise noted.

PART 1613—[AMENDED]

2. Part 1613 is amended as follows:

Remove "5203 Leesburg Pike, Suite 900, Falls Church, VA 22041" and insert "1801 L Street, NW., Washington, DC 20507" in each of the following sections: 1613.232; 1613.414(b); 1613.806(a).

[FR Doc. 92-7457 Filed 4-2-92; 8:45 am]

BILLING CODE 6570-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP TAMPA Regulation 92-19]

Safety Zone Regulations; Maximo Drawbridge and Intercoastal Waterway, Mile Mark 110, Tampa Bay, FL

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone 1000 feet on both sides of the Maximo Drawbridge which crosses the Intercoastal Waterway, Boca Ciega Bay, near mile mark 110. The zone is needed to protect vessels from a safety hazard associated with the removal of the old Maximo Drawbridge. This is an exclusion zone and no traffic is authorized except for Coast Guard, Coast Guard Auxiliary,

Florida Marine Patrol, and Contractor vessels.

EFFECTIVE DATES: This regulation becomes effective on Monday, March 16, 1992, 11 a.m. Eastern Standard Time (EST). It terminates on Monday, April 13, 1992, 4 p.m. EDT.

FOR FURTHER INFORMATION CONTACT:
Lieutenant Commander E.A. Blackadar, Jr., U.S. Coast Guard Marine Safety Office, Tampa, FL, at (813) 228-2189.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is required to respond to potential hazards to the vessels involved.

Drafting Information

The drafters of this regulation are Lieutenant Commander E.A. Blackadar, Jr., project officer for the Captain of the Port and Lieutenant J.M. Losego, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

This regulation is necessary to prevent hazard to vessels during the removal of the old Maximo Drawbridge. The Florida Department of

Transportation has contracted with Cone Construction for removal of the old northbound span of the Maximo Drawbridge beginning in March 1992. In order to accomplish the removal of the bascule bridge, it is necessary to stop all vessel traffic in the navigation channel for several one-hour periods. The first designated closure periods are on March 16, 1992, from 11 a.m. to 12 p.m. (noon) and from 3 p.m. to 4 p.m. Specifically, the portion of the Intercoastal Waterway closed is near mile mark 110, Boca Ciega Bay, between Daybeacon 13 (LLNR 49775) position 27-41-33.810 N, 082-40-18.150 W, and Daybeacon 14 (LLNR 49705) position 27-41-32.621 N, 082-41-00.808 W, 1000 feet on both sides of Maximo Drawbridge. The contractor will attempt to demolish the southern bascule bridge counterweight within the first hour of the operation and northern bascule bridge counterweight during the second hour. The channel will be reopened to traffic as soon as safety allows. Subsequent closure periods will be necessary to demolish the bascule bridge piers, both above and below water.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 8.04-6, and 160.5.

2. A new § 165.T0719 is added to read as follows:

§ 165.T0719 Safety Zone: Intercoastal Waterway, Boca Ciega Bay, Mile Mark 110, Between Daybeacon 13 and 14, Tampa Bay, Florida

(a) **Location:** The following area is a safety zone: 1000 feet on both sides of the Maximo Drawbridge, crossing the Intercoastal Waterway near mile mark 110, Boca Ciega Bay, between Daybeacon 13 (LLNR 49775) position 27-41-33.810 N, 082-40-18.150 W, and Daybeacon 14 (LLNR 49705) position 27-41-32.621 N, 082-41-00.808 W.

(b) **Effective Date:** This regulation becomes effective on Monday, March 16, 1992, at 11 a.m. EST. It terminates on Monday, April 13, 1992, at 4 p.m. EDT.

(c) **Regulations:** In accordance with the general regulations of § 165.23 of this part, this is an exclusion zone, and no traffic is authorized except for Coast Guard, Coast Guard Auxiliary, Florida Marine Patrol, and authorized contractor vessels.

Dated: March 12, 1992.

M.J. Schiro,

Captain, U.S. Coast Guard, Captain of the Port, Tampa, Florida.

[FR Doc. 92-7642 Filed 4-2-92; 8:45 am]

BILLING CODE 4910-14-M

**FEDERAL COMMUNICATIONS
COMMISSION**
47 CFR Part 73

[MM Docket No. 89-558, 90-527; RM-6891, RM-6924, RM-7130, RM-7275, RM-7302, RM-7490, RM-7723, RM-7724]

Radio Broadcasting Services; Albany, Cameron, Columbia, Gallatin, Huntsville, Malta Bend and Marshall, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document consolidates two docketed proceedings and substitutes Channel 261C2 for Channel 222A at Cameron, Missouri, at the request of Cameron Radio, Inc.; substitutes Channel 268C1 for Channel 268C2 at Columbia, Missouri, at the request of Columbia FM, Inc.; substitutes Channel 278C2 for Channel 223A at Huntsville, Missouri, at the request of Contemporary Broadcasting, Inc.; allocates channel 248C3 to Malta Bend, Missouri, at the request of Miles Carter; and allocates Channel 269C3 to Gallatin, Missouri, at the request of Missouri Valley Broadcasting, Inc., in response to a settlement agreement offered by parties to these proceedings. See 54 FR 51308, December 14, 1989 and 55 FR 47495, November 14, 1990. See also Supplementary Information, *infra*. With this action, the proceeding is terminated.

DATES: Effective May 15, 1992. The window period for filing applications at Gallatin, Missouri will open on May 18, 1992, and close on June 17, 1992. The window period for filing applications at Malta Bend, Missouri will open on May 18, 1992, and close on June 17, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth Beaty, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-558 and MM Docket No. 90-527, adopted March 19, 1992, and released March 31, 1992. This document grants a Settlement proposed by Columbia FM, Inc., Garnett Tuttle, Missouri Broadcasting, Inc., and Miles Carter. The Request for Dismissal of Counterproposal filed by York David Anthony to allot Channel 261C2 to Albany, Missouri, is Granted (RM-7275). The Request for Withdrawal of Petition for Rule Making and Expression of Interest filed by Garnet Tuttle to allot Channel 248C2 to Marshall, Missouri, is Granted (RM-7302). The coordinates for

Channel 261C2 at Cameron are 39-59-02 North Latitude and 94-08-26 West Longitude, with a site restriction of 28.4 kilometers north (RM-6924). The coordinates for Channel 268C1 at Columbia are 39-03-00 North Latitude and 92-25-00 West Longitude, with a site restriction 12.8 kilometers northwest (RM-7130). The coordinates for Channel 278C2 at Huntsville are 39-29-45 North Latitude and 92-25-05 West Longitude with a site restriction 12.6 kilometers northwest (RM-7490). The coordinates for Channel 269C3 at Gallatin are 39-48-56 North Latitude and 93-54-35 West Longitude with a site restriction 11.5 kilometers south (RM-7724). The coordinates for Channel 248C3 at Malta Bend are 39-11-48 North Latitude and 93-21-42 West Longitude (RM-6891, RM-7723). The authorizations of Stations KDEF(FM), Cameron, Station KARO(FM), Columbia and Station KTDI(FM) Huntsville, are modified to specify operation on the new channels pursuant to Commission Rule 1.420(g). The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—AMENDED

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 222A and adding Channel 261C2 at Cameron, removing Channel 223A and adding Channel 278C2 at Huntsville, removing Channel 268C2 and adding Channel 268C1 at Columbia, adding Channel 269C3, Gallatin and adding Malta Bend, Channel 248C3.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FRC Doc. 92-7730 Filed 4-2-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-429; RM-6874; RM-7206; RM-7256]

Radio Broadcasting Services; Wellington, Wichita and Andover, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 230C2 to Andover, Kansas, in response to a counterproposal filed by Jonathan Fricke (RM-7256). It also dismisses a petition for rule making (RM-6874) filed by Johnson Enterprises, Inc. (Johnson), licensee of Stations KZED (FM), Channel 288A, Wellington, Kansas, which requested the substitution of Channel 230C2 for Channel 228A at Wellington and the modification of Johnson's license to specify operation on the upgraded channel, see the Notice of Proposed Rule Making, 54 FR 41852 (October 12, 1989), and denies a counterproposal submitted by Willie Kendrick to allot Channel 231A to Wichita, Kansas (RM-7206) as that community's sixth local FM service. The coordinates for the Andover allotment are 37-42-54 and 97-06-54. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 15, 1992.

FOR FURTHER INFORMATION CONTACT: Belford V. Lawson, III, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-429, adopted March 20, 1992, and released March 31, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—AMENDED

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by adding Andover, Channel 230C3.

Federal Communications Commission.
 Michael C. Ruger,
*Acting Chief, Allocations Branch, Policy and
 Rules Division, Mass Media Bureau.*
 [FR Doc. 92-7733 Filed 4-2-92; 8:45 am]
 BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NMFS is establishing a directed fishing allowance and is prohibiting directed fishing for Pacific cod in the Central Regulatory Area (statistical areas 62 and 63) of the Gulf of Alaska (GOA). This action is necessary to prevent the total allowable catch (TAC) for Pacific cod in the Central Regulatory Area from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving Pacific cod stocks.

EFFECTIVE DATES: 12 noon, Alaska local time (A.I.T.), April 4, 1992, through 12 midnight, A.I.T., December 31, 1992.

FOR FURTHER INFORMATION CONTACT:
 Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division, NMFS, (907) 586-7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by the Secretary of Commerce under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR part 611.92 and parts 620 and 672.

The amount of a species or species group apportioned to a fishery is TAC, as stated in § 672.20(a)(2). Under the final notice of specifications (57 FR 2844, January 24, 1992), the amount apportioned to Pacific cod for the Central Regulatory Area was set at 39,000 metric tons (mt).

Under § 672.20(c)(2), the Director, Alaska Region, NMFS (Regional Director), has determined that the amount of Pacific cod apportioned to the

Central Regulatory Area will soon be reached. Therefore, NMFS is establishing a directed fishing allowance of 35,420 mt, and is setting aside the remaining of 3,580 mt of the current apportionment as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishery soon will catch its directed fishing allowance. Consequently, under § 672.20(c)(2), NMFS is prohibiting directed fishing for Pacific cod in the Central Regulatory Area, effective from 12 noon, A.I.T., April 4, 1992, through 12 midnight, A.I.T., December 31, 1992.

After this closure, in accordance with § 672.20(g)(3), amounts of Pacific cod retained on board a vessel in the Central Regulatory Area of the GOA may not equal or exceed 20 percent of the amount of all other fish species retained at the same time by the vessel during the same trip as measured in round weight equivalents.

Classification

This action is taken under 50 CFR 672.20 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 31, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-7703 Filed 3-31-92; 12:56 pm]

BILLING CODE 3510-22-M

50 CFR Parts 672 and 675

[Docket No. 920382-2082]

Groundfish of the Bering Sea and Aleutian Islands Area, and Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; request for comments.

SUMMARY: NMFS has determined that an emergency exists in groundfish fisheries in the Gulf of Alaska (GOA) and in the Bering Sea and Aleutian Islands area (BSAI). Current management measures applicable to the management and monitoring of prohibited species bycatch amounts must be revised. This action is necessary to respond to new information applicable to the management of prohibited species bycatch and to avoid serious problems

pertinent to inseason management and monitoring of prohibited species bycatch allowances. This action is intended to further the goals and objectives contained in the fishery management plans for the groundfish fisheries off Alaska.

DATES: Effective March 30, 1992 through July 2, 1992. Comments are invited on this action until April 20, 1992.

ADDRESSES: Copies of the Environmental Assessment (EA) prepared for this action may be obtained from Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802. Comments should be sent to the same address.

FOR FURTHER INFORMATION CONTACT:
 Susan J. Salveson (Fisheries Management Biologist, NMFS), (907) 586-7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the BSAI and the GOA are managed by the Secretary of Commerce (Secretary) under the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the FMP for Groundfish of the Gulf of Alaska. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by regulations governing the foreign fishery at 50 CFR part 611 and by regulations governing the United States (U.S.) fishery at 50 CFR parts 672 and 675. Additional regulations applicable to the U.S. fishery are codified at 50 CFR part 620.

At times, amendments to the FMPs and their implementing regulations are necessary to respond to fishery conservation and management problems that cannot be addressed within the time frame of the normal procedures provided for by the Magnuson Act. Section 305(c) of the Magnuson Act, 16 U.S.C. 1855(c), authorizes the Secretary to promulgate emergency regulations necessary to address these emergencies. These emergency regulations may remain in effect for not more than 90 days after publication in the *Federal Register*, with a possible 90-day repromulgation.

At its December 3-9, 1991, meeting, the Council received public comment and testimony on revisions to prohibited species bycatch management measures that were proposed under Amendment 19 to the BSAI FMP, Amendment 24 to

the GOA FMP, and associated regulatory amendments. After considering new information provided by the public on the proposed measures, the Council adopted preferred alternatives for the FMP and regulatory amendments. A *Federal Register* notice of proposed rulemaking to implement the Council's actions will be published for public review and comment. Pending Secretarial approval, a final rule implementing these measures will not be effective before late summer, 1992.

Several of the measures adopted by the Council must be implemented immediately to respond to new information applicable to the management of prohibited species bycatch that became available to the Council at its December 1991 meeting. This information includes fishery-specific bycatch rates of prohibited species in the 1991 trawl fisheries and public testimony on the complex and arbitrary nature of existing fishery definitions. Management measures responding to this information must be implemented early in the fishing year to avoid serious problems pertinent to inseason management and monitoring of prohibited species bycatch amounts. Implementation of these measures under emergency interim rulemaking will provide immediate benefits to the public that outweigh the value of delaying this action until further public review and comment are solicited under the normal rulemaking process. As such, the Secretary concurs with the Council's recommendation to implement the following measures by emergency interim rulemaking.

1. Reduce the 1992 Pacific halibut prohibited species catch (PSC) limit for BSAI trawl gear from 5,333 metric tons (mt) to 5,033 mt;

2. Revise the management of the BSAI trawl fisheries that are eligible to receive prohibited species bycatch allowances under § 675.21(b);

3. Delay the GOA rockfish trawl fishery to June 29, 1992, to reduce bycatch amounts of chinook salmon and revise directed fishing standards for GOA rockfish to support the season delay; and

4. Revise GOA and BSAI directed fishing standards to limit more effectively the bycatch amounts of prohibited species and groundfish for which directed fishery closures have been implemented.

A fuller description of, and justification for, each of these measures follow.

Halibut PSC Limit for BSAI Trawl Gear

Pending formal submission by the Council and Secretarial approval, the

Council's action under Amendment 19 to the BSAI FMP would reduce the halibut PSC limit established for trawl gear from 5,333 mt to 5,033 mt for the 1992 fishing year. The primary halibut PSC limit would remain unchanged at 4,400 mt. This action was predicated on a July 1991 recommendation to the Council by the International Pacific Halibut Commission (IPHC) that the Council take action to reduce halibut bycatch in the Alaska groundfish fisheries. This action is necessary to respond to the international, social, and economic conflicts between U.S. and Canadian halibut fishermen and U.S. groundfish fishermen that take halibut as bycatch.

In response to the IPHC recommendation, the Council directed staff to prepare a draft analysis of alternative management options for BSAI halibut PSC limits for public review and comment. A final draft analysis that incorporated public comment was presented to the Council at its December 1991 meeting. Based on the information presented in the analysis and public testimony on the effects of halibut bycatch limits on various sectors of the fishing industry, the Council recommended a 5,033-mt halibut PSC limit for 1992.

The Council further recommended that this action be implemented by emergency interim rulemaking to assure that the reduced halibut PSC limit and associated 1992 fishery bycatch allowances (discussed below) are monitored and managed in a manner that will prevent them from being exceeded prior to the effective date of regulations implementing Amendment 19 and associated regulatory amendments adopted by the Council at its December 1991 meeting. Without this action, fishery closures could not be implemented in a manner that would allow for bycatch amounts to be maintained within the 5,033-mt limit, the Council's intent to reduce trawl bycatch amounts of halibut in 1992 will be thwarted, and international agreements to address the social and economic conflicts that arise from halibut bycatch in the Alaska groundfish fisheries will not be addressed.

Given these considerations, the Secretary concurs with the Council's recommendation for emergency rule implementation of the reduced halibut PSC limit for the 1992 BSAI trawl fishery. The Secretary has further determined that increased effort and competition in the groundfish fisheries, together with unanticipated high bycatch rates of halibut in the 1992 trawl fisheries, will result in a greater number of fishery bycatch allowances being reached early in the fishing year.

The ensuring fishery closures to limit further halibut bycatch amounts must be predicated on the reduced halibut PSC limit to prevent that limit from being exceeded, pending approval and implementation of Amendment 19.

BSAI Prohibited Species Bycatch Allowances

Under the emergency rule, the allocations of PSC limits to BSAI trawl fishery categories as prohibited species bycatch allowances are revised from those published in the *Federal Register* notice of final 1992 fishery specifications (57 FR 3952, February 3, 1992). The revised specifications are listed in Tables 1 and 2 and specify separate crab, halibut, and herring bycatch allowances for the following trawl fishery categories: (1) Greenland turbot, arrowtooth flounder, and sablefish; (2) rock sole and "other flatfish"; (3) yellowfin sole; (4) Rockfish; (5) Pacific cod; and (6) pollock, Atka mackerel, and "other species." A separate herring bycatch allowance is also specified for the midwater pollock fishery. When a prohibited species bycatch allowance specified for a fishery category is reached, further directed fishing for groundfish species included within that category is prohibited, except that when a bycatch allowance specified for the pollock/Atka mackerel/ "other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

At the end of each weekly reporting period, each processor's reported trawl catch of groundfish and the associated prohibited species bycatch amounts estimated by NMFS for that operation are assigned to one of the above fishery categories using the following definitions:

(a) *Midwater pollock fishery*. Fishing with trawl gear that results in a catch of pollock during any weekly reporting period that is 95 percent or more of the total amount of groundfish caught during the week.

(b) *Flatfish fishery*. Yellowfin sole fishery and rock sole/ "other flatfish" fishery. The flatfish fishery is defined as fishing for trawl gear that results in an aggregate retained amount of yellowfin sole, rock sole, and other flatfish that is greater than the retained amount of any other groundfish species or species group, in round weight equivalents. The flatfish fishery is then subdivided into either (1) the yellowfin sole fishery if this species comprises 70 percent or more of the retained flatfish catch, or (2) the rock sole "other flatfish" fishery category if yellowfin sole comprises less

than 70 percent of the retained flatfish catch.

(c) *Greenland turbot/arrowtooth flounder/sablefish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of Greenland turbot, arrowtooth flounder, and sablefish that is greater than the retained amount of any other groundfish fishery category.

(d) *Rockfish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rockfish species of the genera *Sebastodes* and *Sebastolobus* that is greater than the retained amount of any other groundfish fishery category.

(e) *Pacific cod fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of Pacific cod that is greater than the retained amount of any other groundfish fishery category.

(f) *Pollock/Atka mackerel/“other species.”* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of pollock other than pollock harvested in the midwater pollock fishery, Atka mackerel, and “other species” that is greater than the retained amount of any other fishery category.

Emergency rule implementation of adjustments to the prohibited species bycatch allowances and associated fishery category definitions is necessary to (1) maintain trawl bycatch amounts of halibut within the 5,033-mt halibut PSC limit established under this emergency rule, (2) prevent the BSAI rockfish fishery from causing an overage of the 1992 halibut PSC limit, (3) prevent the premature closures of the yellowfin sole and Pacific cod fisheries and associated foregone harvests and revenue due to prohibited species bycatch amounts in other fisheries, and (4) establish effective and non-arbitrary criteria for assigning vessels to trawl fishery categories in a manner that avoids inappropriate fishery closures. This action responds to public comment presented to the Council at its December 1991 meeting and during a February 26, 1992, teleconference that provided valuable guidance on how best to distribute PSC limits equitably among trawl fisheries, optimize the harvest of groundfish under established PSC limits, and minimize foregone revenues that may occur from fishery closures under such limits.

At its December 1991 meeting, the Council adopted revisions to § 675.21(b) that would authorize the allocation of PSC limits among the above six trawl fishery categories (seven for herring) established under this emergency rule. After hearing public testimony at the

December meeting, the Council further recommended that the prohibited species bycatch allowances based on these trawl fishery categories and the 5,033-mt halibut PSC limit for trawl gear be implemented by emergency rule. In making these recommendations, the Council intended these measures to supersede those published in the Federal Register notice of final 1992 fishery specifications.

The Council also adopted revisions to fishery category definitions. During 1991, management experience with current definitions indicated they are inappropriate because they are based on a specified default list of catch composition percentages that are somewhat arbitrary and do not provide an effective index of a vessel operator's intended target operation. As a result, vessel bycatch amounts of prohibited species are inappropriately credited against fishery bycatch allowances other than those specified for intended target operations, leading to premature fishery closures and foregone groundfish harvests and revenues. Fishery definitions based on the species retained in the greatest amount are less arbitrary and will largely eliminate inappropriate assignments of vessel bycatch amounts that contribute to premature fishery closures.

The Secretary concurs with the Council's recommendation to implement the revised fishery category definitions as soon as possible under emergency interim rulemaking to establish clear, effective, and non-arbitrary criteria for assigning vessels to target fisheries. This action will enhance NMFS' ability to monitor prohibited species bycatch allowances in a manner that avoids inappropriate fishery closures and prevents significant direct economic loss to affected groundfish fishermen through foregone harvest and revenue.

As discussed below, the Secretary concurs in the Council's emergency rule recommendation to establish separate prohibited species bycatch allowances for the seven trawl fisheries listed above. However, based on events that have transpired since the Council's December meeting, the Secretary, in consultation with the Council, finds that the prohibited species bycatch allowances recommended by the Council at its December meeting must be revised to adjust for the unexpectedly high halibut and crab bycatch amounts experienced during the first month of the 1992 Bering Sea pollock fishery.

Current regulations at § 675.21(b)(4) specify the following four domestic annual processing (DAP) trawl fishery categories for purposes of allocating

crab and halibut PSC limits as fishery specific bycatch allowances: Turbot, rock sole, flatfish and “other fishery.” The “other fishery” category is comprised of the pollock, Pacific cod, rockfish, sablefish, Atka mackerel, and “other species” fisheries. When a crab or halibut bycatch allowance specified for the “other fishery” category is reached, directed fishing for Pacific cod with trawl gear and for pollock with non-pelagic trawl gear is prohibited (§ 675.21(c)(2)).

As required under § 675.21(b), the February 3, 1991, *Federal Register* notice of initial 1992 fishery specifications specified 1992 fishery bycatch allowances and seasonal apportionments thereof. The quarterly prohibited species bycatch allowances specified for the “other fishery” category assumed that the first quarter pollock fishery would experience relatively small amounts of crab and halibut bycatch, because this fishery normally targets on roe-bearing pollock with off-bottom pelagic trawl gear. The bulk of the crab and halibut bycatch allowances apportioned to the first quarter “other fishery” category was therefore intended to support the Pacific cod trawl fishery.

NMFS observer data indicate that halibut and crab bycatch rates during the first month of the 1992 BSAI pollock roe fishery were unexpectedly high. The best information available indicates these high rates occurred, because fishermen fished on or near the sea bed in an attempt to find concentrations of mature pollock while avoiding a high abundance of unmarketable juvenile pollock.

Based on the best information available through February 13, 1992, NMFS estimated that halibut bycatch amounts in the 1992 “other fishery” category reached the first quarterly seasonal halibut bycatch allowance of 1,774 mt specified for this category in the February 3, 1992, notice of initial fishery specifications. Accordingly, the BSAI area was closed on February 16, 1992, to directed fishing for Pacific cod with trawl gear and to directed fishing for pollock with non-pelagic trawl gear (57 FR 6203, February 21, 1992).

The unanticipated high bycatch amounts of halibut in the first quarter pollock fishery and resulting closures of the BSAI to directed fishing for Pacific cod with trawl gear precluded the cod fishery from operating during a time of year when cod catch per unit of effort are at a maximum and prohibited species bycatch rates are at minimum levels. The preemption of the 1992 Pacific cod trawl fishery as a result of

the unanticipated bycatch of halibut during the first quarter pollock fishery could result in foregone revenues that approach \$24 million (net first wholesale value of the groundfish harvested in the 1991 Pacific cod trawl fishery). The continued preemption of the 1992 Pacific cod trawl fishery would be forestalled by emergency rule promulgation of separate bycatch allowances for this fishery that, once specified, would prevent closures of this fishery due to prohibited species bycatch in the pollock fishery.

To support this action, the fishery-specific prohibited species bycatch allowances recommended by the Council at its December 1991 meeting must be revised to avoid a significant overage of the 5,033-mt halibut PSC limit promulgated under this emergency rule. This action is necessary because the first quarter 1992 pollock fishery significantly exceeded the 692-mt annual halibut bycatch allowance recommended for this fishery by the Council at its December 1991 meeting. In response to this situation, the Council held an emergency teleconference meeting on February 26, 1992, to recommend revised allocations of the 5,033-mt halibut PSC limit among the Pacific cod, pollock/Atka mackerel/ "other species," and rockfish categories. The Secretary has also determined that the high bycatch amounts of crab experienced by the first quarter pollock fishery requires a commensurate adjustment of crab bycatch allowances between the Pacific cod and pollock/Atka mackerel/ "other species" categories so that total bycatch amounts in the BSAI trawl fisheries are maintained within established PSC limits. The revised prohibited species bycatch allowances are listed in Tables 1 and 2.

The Secretary also concurs with the Council's emergency rule recommendation to establish separate prohibited species bycatch allowances for the rockfish fishery that, when reached, will authorize a closure of the BSAI to directed fishing for rockfish. Under current regulations, prohibited species bycatch in the rockfish fishery is credited against the prohibited species bycatch allowances specified for the "other fishery" category. When one of these allowances are reached, directed fishing for Pacific cod and pollock with non-pelagic trawl gear is prohibited. Separate bycatch allowances for the rockfish fishery will prevent this fishery from contributing to premature closures of the cod and pollock fisheries. It will hold the rockfish fishery more fully accountable for its halibut bycatch and

will provide management authority to maintain halibut bycatch within the 5,033-mt PSC limit established under this emergency rule.

A 200-mt halibut allowance is specified for the rockfish fishery under the emergency rule (Table 1), instead of the 377 mt recommended by the Council. This reduction is intended to avoid a preferential allocation of halibut from the "other fishery" category to the rockfish fishery, given the unexpectedly high halibut bycatch in the 1992 pollock roe fishery. The NMFS believes that a 200-mt halibut allowance will maintain a reasonable opportunity for trawl vessels to harvest the rockfish quotas.

The Secretary also concurs with the Council's recommendation to revise the rock sole and flatfish fishery categories, defined at § 675.21(b), to provide for separate prohibited species bycatch allowances for the yellowfin sole fishery. Failure to take this action will result in a premature closure of the 1992 yellowfin sole fishery and foregone harvest and revenue to yellowfin sole fishermen.

Existing regulations authorize separate bycatch allowances for the rock sole and the yellowfin sole/other flatfish fisheries. The yellowfin sole fishery was prematurely closed in 1991, partly because bycatch rates in the "other flatfish" fishery were relatively high. Observer information from the 1991 fishery indicates groundfish catch composition and prohibited species bycatch rates in the "other flatfish" fishery were more similar to the rock sole fishery than the yellowfin sole fishery. The rock sole and "other flatfish" fisheries, therefore, would be more appropriately monitored under the same prohibited species bycatch allowances. Public comment presented to the Council at its December meeting also supported the specification of separate bycatch allowances for the yellowfin sole and rock sole/ "other flatfish" fishery categories to prevent routine preemption of the yellowfin sole fishery by relatively high bycatch rates in the "other flatfish fishery." This action will also provide for more equitable bycatch accountability in those flatfish fisheries that are prosecuted on a similar multi-species complex with similar bycatch rates.

The notice of 1992 final fishery specifications reviewed (1) existing PSC limits for crab, halibut, and herring, (2) the regulatory authority and criteria for specifying fishery bycatch allowances and seasonal apportionments thereof, and (3) the Council's consideration of these criteria prior to Council adoption of the bycatch allowances which form

the basis for those listed in Tables 1 and 2 of this action. As such, the justification for the bycatch allowances, and seasonal apportionments thereof, implemented under the emergency rule parallels those set forth in the final notice of 1992 specifications and is not repeated here.

Delay of the GOA Rockfish Trawl Fishery and Associated Revisions to Directed Fishing Standards.

Under the emergency rule, directed fishing for GOA rockfish with trawl gear is prohibited until June 29, 1992. To avoid covert targeting on rockfish during the period the fishery is closed, regulations at § 672.20(g) are revised to reduce the directed fishing standards for GOA rockfish species of the genera *Sebastodes* and *Sebastolobus* to 15 percent of the aggregate amounts of deep water flatfish, flathead sole, sablefish, and other rockfish species for which directed fisheries are open, plus 5 percent of the aggregate amount of all other fish species retained at the same time by a vessel during the same fishing trip.

This action is based on an analysis presented to the Council at its December 1991 meeting that assessed 1991 bycatch amounts in the GOA trawl fisheries and alternatives to reduce prohibited species bycatch rates. Emergency rule implementation of the GOA rockfish season delay is intended to (1) reduce high bycatch rates of chinook salmon and halibut in the GOA trawl fisheries during the first half of 1992, (2) avoid significant conflicts between groundfish fishermen and salmon fishermen that ensues from the potentially adverse effects of salmon bycatch in the groundfish trawl fisheries on the commercial and recreational salmon fisheries, and (3) reduce the magnitude of foregone revenues that result from the premature attainment of the GOA halibut PSC mortality limit specified for trawl gear and the ensuing closure of the GOA to fishing with trawl gear.

The analyses presented to the Council at its December 1991 meeting showed that the 1991 GOA rockfish trawl fishery accounted for 63 percent of the GOA chinook salmon bycatch, or about 22,700 fish. Of this amount, about 21,800 fish were taken prior to July 1. Observed bycatch rates of halibut in the 1991 trawl rockfish fishery also were significantly lower after July 1 relative to the previous 6 months. After July 1, weekly halibut bycatch rates ranged from 4.70 to 13.15 kilograms halibut/mt groundfish. Prior to this date, halibut bycatch rates ranged from 38.20 to 108.05 kilograms halibut/mt groundfish. Based on 1991 data, a delay of the GOA

rockfish trawl fishery from January 1 to July 1 could result in a 99.8 percent reduction in chinook salmon bycatch and a 68 percent reduction in the halibut bycatch mortality attributed to this fishery.

Although the Council is developing salmon bycatch measures, no bycatch restrictions currently exist for chinook salmon. Until such measures are implemented, salmon bycatch in the groundfish fisheries will continue to be a contentious issue that will be further aggravated if high bycatch amounts continue in the 1992 rockfish fishery. While studies have not been conducted that show the ecological effect of the GOA trawl rockfish fishery's interception of salmon on various salmon stocks and ensuing commercial harvests, representatives for the salmon industry have expressed conservation concerns. Representatives for commercial and recreational salmon fishermen have also testified before the Council that bycatch amounts of salmon in the GOA rockfish fishery pose a serious threat of foregone harvest and revenue in the salmon fisheries.

High halibut bycatch rates in the 1991 GOA trawl rockfish fishery also contributed to the premature attainment of the GOA halibut PSC limit established for trawl gear that triggered a closure of the GOA to directed fishing for groundfish. The estimated exvessel value of the associated foregone revenues experienced by the GOA trawl fleet as a result of the 1991 closure approached \$7 million. If high halibut bycatch rates continue in the 1992 trawl rockfish fishery, this fishery will again contribute towards a disproportionately high share of the total 1992 halibut bycatch mortality limit and the ensuing foregone revenues.

An effective delay of the GOA rockfish season to limit salmon and halibut bycatch amounts requires a reduction of the directed fishing standards for rockfish to prevent covert targeting on rockfish during the period the fishery is closed. The existing directed fishing standards for GOA rockfish allow for bycatch amounts of up to 20 percent rockfish species relative to all other fish or fish product retained on board a vessel during a fishing trip. Actual bycatch rates of rockfish in other groundfish operations are much lower than 20 percent. The existing standards for rockfish allow vessel operators to covertly target on rockfish during the period when this fishery is closed, provided retained amounts of rockfish do not exceed 20 percent of other fish or fish products on board. As a result, high bycatch rates of chinook salmon and

halibut associated with target operations for rockfish could continue. Reduction of the directed fishing standard for GOA rockfish to 15 percent rockfish relative to deep water flatfish, flathead sole, and sablefish, plus 5 percent rockfish relative to all other fish species, will effectively limit bycatch of salmon and halibut by eliminating covert target operations for rockfish, while allowing adequate bycatch of rockfish in other fisheries.

The Secretary concurs with the Council's recommendation for emergency rule implementation of the GOA rockfish season delay and the associated reduction in GOA rockfish directed fishing standards, thereby reducing chinook salmon bycatch and halibut bycatch rates in the 1992 GOA trawl fisheries. This action will address a significant conflict between salmon fishermen and groundfish fishermen who take incidental amounts of salmon in groundfish trawl operations and provide an economic benefit to those fishermen who participate in GOA trawl fisheries that were prematurely closed in 1991 upon the attainment of the halibut PSC limit for trawl gear.

Revise GOA and BSAI Directed Fishing Standards To Limit More Effectively the Bycatch Amounts of Prohibited Species and Groundfish for Which Directed Fishery Closures Have Been Implemented

Under the emergency rule, the following two changes to directed fishing standards are implemented to allow for more effective directed fishing closures that limit further bycatch of prohibited species.

(1) The definition of fishing trip for purposes of the BSAI and GOA directed fishing standards is revised so that a trip terminates when a vessel enters an area to which a directed fishing prohibition applies; or at the end of a weekly reporting period; and

(2) A new directed fishing standard for trawl vessels using pelagic trawl gear is added that limits the aggregate amount of groundfish species or species groups for which a directed fishing closure is implemented to 7 percent of the amount of all other fish or fish products, in round weight equivalents, retained on the vessel at any time during the same trip.

These changes to directed fishing standards must be implemented early in the fishing year to respond to public comment and testimony presented to the Council at its December meeting that large numbers of vessels legally circumvent directed fishing closures that are implemented to limit further bycatch amounts of prohibited species. Without

this emergency rule, loopholes in existing regulations will allow for continued target operations on groundfish species closed to directed fishing, associated bycatch amounts of prohibited species will accrue without restriction, and PSC limits will be exceeded, leading to significant social and economic conflict between groundfish fishermen and halibut, salmon, and crab fishermen. This activity is expected to become even more pervasive in 1992 because of the unanticipated high bycatch amounts of halibut and crab in the BSAI trawl fisheries and the resulting early season closures to directed fishing for Pacific cod with trawl gear and for pollock with non-pelagic trawl gear.

The specific rationale for each of the two changes to directed fishing regulations under this emergency rule follow.

The revised definition of fishing trip is necessary to limit the opportunity for fishermen to "top off" retained amounts of fish with catches of groundfish species for which directed fishing is prohibited to limit further bycatch amounts of prohibited species. This activity is particularly a concern onboard those processor vessels that offload infrequently and maintain large amounts of retained fish product onboard, which can be used to balance off covert target operations in closed fisheries. Covert operations will result in additional bycatch amounts of prohibited species and PSC limits will be exceeded.

The new directed fishing standard for groundfish caught with pelagic trawl gear is necessary to limit the use of modified pelagic trawl gear to target on bottom-dwelling groundfish species that are closed to directed fishing with non-pelagic trawl gear. The fishery closures are normally triggered when a fishery attains a specified prohibited species bycatch allowance and are intended to limit further bycatch of prohibited species in that fishery. Existing directed fishing standards allow up to 20 percent of the retained groundfish catch in a pelagic trawl fishery to be comprised of bottom dwelling species. These allowances are unnecessarily high for genuine off-bottom operations and allow for covert targeting on bottom-dwelling groundfish species by vessel operators using modified pelagic trawl gear. This activity results in continued high bycatch amounts of prohibited species and contributes to annual overages of PSC limits. Such overages would be largely eliminated by reducing the directed fishing standards for groundfish caught with pelagic trawl gear to the

level implemented under the emergency rule.

The Secretary concurs that the above revisions to directed fishing standards must be implemented by emergency rulemaking to support the revised management of the prohibited species bycatch allowances implemented by other parts of this emergency rule and to help assure that established PSC limits are not exceeded. Comments on this action are invited until April 20, 1992 and should be sent to the Chief, Fisheries Management Division, Alaska Region (see **ADDRESSES**).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law.

As explained more fully under "Supplementary Information," above, the Assistant Administrator finds that delaying this action to provide advance notice, as required under the normal rulemaking process, would be impracticable and contrary to the public interest. The reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days effective date under sections 553 (b) and (d) of the Administrative Procedure Act. Revised

bycatch management measures that respond to new information that developed from the Council's December 1991 meeting and its February 26, 1992, teleconference must be implemented as soon as possible to avoid serious problems pertinent to the management of monitoring of prohibited species, and minimize foregone groundfish harvests and associated revenues that occur under existing PSC limits.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

Based on the EA prepared for this action, the Assistant Administrator concluded that no significant impact on the human environment will result. A copy of the EA is available from the above address.

On April 19, 1991, NMFS concluded formal section 7 consultation on the BSAI and GOA groundfish FMPs and fisheries. Subsequent biological opinions were issued on the GOA fishery on June 5, 1991, and September 20, 1991, and on the BSAI fishery on January 21, 1992. The biological opinions issued for these consultations concluded that the FMPs and fisheries are not likely to jeopardize the continued existence and recovery of any endangered or threatened species

under the jurisdiction of NMFS. Implementation of the management measures described in this rule is not expected to have any effects on listed species. Therefore, NMFS has determined that no further section 7 consultation is required for the implementation of this rule.

This emergency rule is exempt from the normal review procedures of Executive Order 12291, as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why following the usual procedures of that order is not possible.

This rule is exempt from the procedures of the Regulatory Flexibility Act, because it is issued without opportunity for prior public comment.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Fishing vessels.

Dated: March 27, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

TABLE 1.—EMERGENCY INTERIM 1992 PROHIBITED SPECIES CATCH ALLOWANCES FOR THE BSAI TRAWL FISHERIES

Fisheries	Zone 1	Zone 2	Zones 1+2H	BSAI-wide
Red king crab, number of animals:				
yellowfin sole.....	75,000			
rcksol/oth.flat ¹	85,000			
turb/arrow/sab ²	0			
rockfish ³	0			
Pacific cod.....	10,000			
plck/Atka/othr ⁴	30,000			
Total.....	200,000			
C. bairdi Tanner crab, number of animals:				
yellowfin sole.....	100,000	1,225,000		
rcksol/oth.flat.....	700,000	300,000		
turb/arrow/sabl.....	0	0		
rockfish.....	0	50,000		
Pacific cod.....	75,000	712,500		
plck/Atka/othr.....	125,000	712,500		
Total.....	1,000,000	3,000,000		
Pacific halibut, metric tons:				
yellowfin sole.....			Primary halibut	Secondary halibut
rcksol/oth.flat.....			743	849
Turb/arrow sabl.....			660	755
rockfish.....			0	0
Pacific cod.....			175	200
plck/Atka/othr.....			1,343	1,537
Total.....			1,479	1,692
Pacific herring, metric tons:			4,400	5,033
Midwater pollock.....				573
yellowfin sole.....				134

TABLE 1.—EMERGENCY INTERIM 1992 PROHIBITED SPECIES CATCH ALLOWANCES FOR THE BSAI TRAWL FISHERIES—Continued

	Fisheries	Zone 1	Zone 2	Zones 1+2H	BSAI-wide
rcksol/oth.flat					0
turb/arrow/sabl					0
rockfish					10
Pacific cod					29
pick/Atka/othr ⁵					210
Total					956

¹ Rock sole and other flatfish fishery category.² Greenland turbot, arrowtooth flounder, and sablefish fishery category.³ Includes all species of genera *Sebastodes* and *Sebastolobus*.⁴ Pollock, Atka mackerel, and "other species" fishery category.⁵ Pollock other than midwater pollock, Atka mackerel and "other species" fishery category.TABLE 2.—EMERGENCY INTERIM SEASONAL ALLOCATION OF THE 1992 HALIBUT BYCATCH ALLOWANCES¹

Fishery	Percent	Seasonal bycatch allowance (mt)
Yellowfin sole:		
May 01–Aug. 02	50	424
Aug. 03–Dec. 31	50	425
Total		849
rcksol/oth.flat ²		
Jan. 01–Mar. 29	75	566
Mar. 30–Jun. 28	12.5	95
Jun. 29–Sep. 27	12.5	94
Sep. 28–Dec. 31	0	(*)
Total		755
Turb/arrow/sabl ³		
Jan. 01–Dec. 31	0	0
Rockfish ⁴		
Jan. 01–Mar. 29	10	20
Mar. 30–Jun. 28	30	60
Jun. 29–Sep. 27	60	120
Sep. 28–Dec. 31	0	(*)
Total		200
Pacific Cod:		
Jan. 01–Jun. 28	85	1,301
Jun. 29–Sep. 27	15	236
Sep. 28–Dec. 31	0	(*)
Total		1,537
pick/Atks/othr ⁵		
Jan. 01–Apr. 15	72	1,221
Apr. 16–May 31	0	0
Jun. 01–Dec. 31	28	471
Total		1,692

¹ Although this rule is effective for 90 days after publication and may be extended for an additional 90 days, NMFS anticipates that the allocations shown on this table will be made effective through the end of 1992 by notice-and-comment rulemaking.² Rock sole and other flatfish fishery category.³ Greenland turbot, arrowtooth flounder, and sablefish fishery category.⁴ Includes all species of genera *Sebastodes* and *Sebastolobus*.⁵ Pollock, Atka mackerel, and "other species" fishery category.⁶ Remainder.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In section 672.20, paragraphs (f)(1)(i), (g)(3), and (h)(2) are suspended

from March 30, 1992 until July 2, 1992 and new paragraphs (f)(1)(vi), (g)(4), (g)(5), (g)(6) and (h)(3) are added from March 30, 1992 until July 2, 1992 as follows:

§ 672.20 General limitations.

(f) * * *

(1) * * *

(vi) *Trawl gear.* If, during the fishing year, the Regional Director determines that the catch of halibut by operators of vessels using trawl gear and delivering their catch to foreign vessels (JVP vessels) or operators of vessels using trawl gear and delivering their catch to U.S. fish processors or processing their catch on board (DAP vessels) will reach their proportional share of the seasonal allocation of the halibut PSC limit provided for under paragraph (f)(2) of this section, NMFS will publish a notice in the *Federal Register* prohibiting directed fishing for groundfish by JVP or DAP vessels, as appropriate, with trawl gear, except for pollock using pelagic trawl gear, for the remainder of the season to which the PSC allocation applies.

(g) * * *

(4) *Using trawl gear for rockfish of the genera *Sebastodes* and *Sebastolobus*.*

Rockfish. The operator of a vessel is engaged in directed fishing for rockfish of the genera *Sebastodes* or *Sebastolobus* if the operator retains at any time during a trip rockfish of the genera *Sebastodes* or *Sebastolobus* caught using trawl gear in an amount equal to or greater than 15 percent of the aggregate amount of deep water flatfish, flathead sole, sablefish, and other rockfish species retained at the same time by the vessel during the same trip; plus 5 percent of the total amount of other fish species retained at the same time by the vessel during the same trip.

(5) *Using pelagic trawl gear for groundfish species closed to directed fishing.* The operator of a vessel using pelagic trawl gear is engaged in directed

fishing for groundfish species or species groups for which directed fishing is closed under paragraph (c) or (f) of this section, if he retains at any time during a trip an aggregate amount of these groundfish species or species groups equal to or greater than 7 percent of the amount of other fish or fish products, in round weight equivalents, retained on the vessel at the same time during the same trip.

(6) *Other.* Except as provided under paragraphs (g)(1), (g)(2), (g)(4), and (g)(5) of this section, the operator of a vessel is engaged in directed fishing for a specific species or species group if he retains at any particular time during a trip that species or species group in an amount equal to or greater than 20 percent of the amount of all other fish species retained at the same time by the vessel during the same trip.

(h) * * *

(3) *Trip.* For purposes of this section, the operator of a vessel is engaged in a single fishing trip from the commencement of, or continuation of, fishing after the effective date of a notice prohibiting directed fishing in a reporting area in which the vessel is fishing until either (i) the end of a weekly reporting period, (ii) the vessel enters or leaves an area to which a directed fishing prohibition applies, or (iii) until any offload or transfer of any fish or fish product from that vessel, whichever occurs first.

3. In section 672.23, paragraph (a) is suspended from March 30, 1992 until July 2, 1992, and new paragraphs (e) and (f) are added from March 30, 1992 until July 2, 1992 as follows:

§ 672.23 Seasons.

* * * * *

(e) Fishing for groundfish in the regulatory areas and districts of the Gulf of Alaska is authorized from 00:01 a.m., Alaska local time (A.L.t.), January 1, through 12 midnight, A.L.t., December 31, subject to the other provisions of this part, except as provided in paragraphs (b), (c), and (f) of this section.

(f) Directed fishing for rockfish of the genera *Sebastodes* or *Sebastolobus* with trawl gear is authorized from 12 noon, A.l.t., June 29, through 12 midnight, A.l.t., December 31, subject to other provisions of this part.

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

4. The authority citation for part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

6. In section 675.20 paragraphs (h)(1), (h)(6) and (i)(2) are suspended from March 30, 1992 until July 2, 1992 and new paragraphs (h)(7), (h)(8), and (i)(3) are added from March 30, 1992 until July 2, 1992 as follows:

§ 675.20 General limitations.

(h) * * *

(7) *Using pelagic trawl gear for groundfish species closed to directed fishing.* The operator of a vessel using pelagic trawl gear is engaged in directed fishing for groundfish species or species groups for which directed fishing is closed under paragraph (a)(8) of this section or 675.21(h), if he retains at any time during a trip an aggregate amount of these groundfish species or species groups equal to or greater than 7 percent of the amount of other fish or fish products, in round weight equivalents, retained on the vessel at any time during a trip.

(8) *Other.* Except as provided under paragraphs (h)(2) through (h)(5) and (h)(7) of this section, the operator of a vessel is engaged in directed fishing for a specific species or species group if the operator retains at any time during a trip that species or species group in an amount equal to or greater than 20 percent of the amount of all other fish species retained at the same time on the vessel during the same trip.

(i) * * *

(3) *Trip.* For purposes of this section, the operator of a vessel is engaged in a single fishing trip from the commencement of or continuation of fishing after the effective date of a notice prohibiting directed fishing in a reporting area in which the vessel is fishing until either (i) the end of a weekly reporting period, (ii) the vessel enters or leaves an area to which a directed fishing prohibition applies, or (iii) until any offload or transfer of any fish or fish product from that vessel, whichever occurs first.

6. In section 675.21, paragraphs (a)(5), (b), (c), (d), (e), and (f) are suspended from March 30, 1992 until July 2, 1992, and new paragraphs (a)(7), (g), (h), (i),

and (j) are added from March 30, 1992 until July 2, 1992 as follows:

§ 675.21 Prohibited species catch (PSC) limitations.

(a) * * *

(7) The secondary PSC limit of Pacific halibut caught while conducting any domestic trawl fishery for groundfish in the Bering Sea and Aleutian Islands Management Area during any fishing year is an amount of halibut equivalent to 5,033 mt.

* * *

(g) *Apportionment of PSC Limits.—(1) Apportionment to fishery categories.* The Secretary, after consultation with the Council, will apportion each PSC limit into bycatch allowances that will be assigned to specified fishery categories listed in paragraph (g)(4) of this section, based on each category's proportional share of the anticipated incidental catch during a fishing year of prohibited species for which a PSC limit is specified and the need to optimize the amount of total groundfish harvested under established PSC limits. The sum of all bycatch allowances of any prohibited species will equal its PSC limit.

(i) For purposes of this section, PSC limits for red king crab, *C. bairdi* Tanner crab, and Pacific halibut will be apportioned to the fishery categories listed at paragraphs (g)(4) (ii)–(vi) of this section. Any amount of red king crab, *C. bairdi* Tanner crab, or Pacific halibut that is incidentally taken in the midwater pollock fishery, as defined at paragraph (g)(4)(i) of this section, will be counted against the bycatch allowances specified for the pollock/Atka mackerel/"other fishery" category defined at paragraph (g)(4) (vi) of this section.

(ii) For purposes of this section, the PSC limit for Pacific herring will be apportioned to the fishery categories listed at paragraphs (g)(4) (i)–(vi) of this section.

(2) *Seasonal apportionments of bycatch allowances.* The Secretary, after consultation with the Council, may apportion fishery bycatch allowances on a seasonal basis. The Secretary will base any seasonal apportionment of a bycatch allowance on the following types of information:

(i) Seasonal distribution or prohibited species;

(ii) Seasonal distribution of target groundfish species relative to prohibited species distribution;

(iii) Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;

(iv) Expected variations in bycatch rates throughout the fishing year;

(v) Expected changes in groundfish directed fishing seasons;

(vi) Expected start of fishing effort; and

(vii) Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

(3) The Secretary will publish annually in the *Federal Register* proposed and final bycatch allowances and seasonal apportionments in the notices required under 675.20(a)(7). Public comment will be accepted by the Secretary on the proposed bycatch allowances and seasonal apportionments for a period of 30 days after the notice of them is filed for public inspection in the Office of the *Federal Register*.

(4) For purposes of apportioning trawl PSC limits among fisheries, the following fishery categories are specified in terms of round weight equivalents of those groundfish species or species groups for which a TAC has been specified under § 675.20.

(i) *Midwater pollock fishery.* Fishing with trawl gear that results in a catch of pollock during any weekly reporting period that is 95 percent or more of the total amount of groundfish caught during the week.

(ii) *Flatfish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rock sole, other flatfish, and yellowfin sole that is greater than the retained amount of any other fishery category defined under paragraph (g)(4) of this section.

(A) *Yellowfin sole fishery.* Fishing with trawl gear during any weekly reporting period that is defined as a flatfish fishery under paragraph (g)(4)(ii) of this section and results in a retained amount of yellowfin sole that is 70 percent or more of the retained aggregate amount of rock sole, other flatfish, and yellowfin sole.

(B) *Rock sole/other flatfish fishery.* Fishing with trawl gear during any weekly reporting period that is defined as a flatfish fishery under paragraph (g)(4)(ii) of this section and is not a yellowfin sole fishery as defined under paragraph (g)(4)(ii)(A) of this section.

(iii) *Greenland turbot/arrowtooth flounder/sablefish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of Greenland turbot, arrowtooth flounder, and sablefish that is greater than the retained amount of any other fishery category defined under paragraph (g)(4) of this section.

(iv) *Rockfish fishery*. Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rockfish species of the genera *Sebastes* and *Sebastolobus* that is greater than the retained amount of any other fishery category defined under paragraph (g)(4) of this section.

(v) *Pacific cod fishery*. Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of Pacific cod that is greater than the retained amount of any other fishery category defined under paragraph (g)(4) of this section.

(vi) *Pollock/Atka mackerel/"other species" fishery*. Fishing with trawl gear during any weekly reporting period that results in retained aggregate amount of pollock other than pollock harvested in the midwater pollock fishery defined at paragraph (g)(4)(i) of this section, Atka mackerel, and "other species" that is greater than the retained amount of any other fishery category defined under paragraph (g)(4) of this section.

(h) *Attainment of a trawl fishery bycatch allowance*.

(1) *Attainment of a trawl bycatch allowance for red king crab, *C. bairdi* Tanner crab, or Pacific halibut*.

(i) *Zone 1 red king crab or *C. bairdi* Tanner crab bycatch allowance*. If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (g)(4)(ii)–(vi) of this section will catch the Zone 1 bycatch allowance, or seasonal allowances thereof, of red king crab or *C. bairdi* Tanner crab specified for that fishery category under paragraphs (g)(1)–(3) of this section, the Secretary will publish a notice in the **Federal Register** closing Zone 1 to vessels participating in that fishery category, except that when a bycatch allowance, or seasonal allowance thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(ii) *Zone 2 red king crab or *C. bairdi* crab bycatch allowance*. If, during the fishing year, the Regional Director

determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (g)(4)(ii)–(vi) of this section will catch the Zone 2 bycatch allowance, or seasonal allowances thereof, of red king crab or *C. bairdi* crab specified for that fishery category under paragraphs (g)(1)–(3) of this section, the Secretary will publish a notice in the **Federal Register** closing Zone 2 to vessels participating in that fishery category, except that when a bycatch allowance, or seasonal allowance thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(iii) *Primary halibut bycatch allowance*. If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (g)(4)(ii)–(vi) of this section in the Bering Sea and Aleutian Islands Management Area will catch the primary halibut bycatch allowance, or seasonal allowances thereof, specified for that fishery category under paragraphs (g)(1)–(3) of this section, the Secretary will publish a notice in the **Federal Register** closing Zones 1 and 2H to vessels participating in that fishery category, except that when a bycatch allowance, or seasonal allowance thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(iv) *Secondary halibut bycatch allowance*. If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the trawl fishery categories listed in paragraphs (g)(4)(ii)–(vi) of this section in the Bering Sea and Aleutian Islands Management Area will catch the secondary halibut bycatch allowance, or seasonal allowances thereof, specified for that fishery category under paragraphs (g)(1)–(3) of this section, the Secretary will publish a notice in the **Federal Register** closing the entire Bering Sea and Aleutian Islands

Management Area to vessels participating in that fishery category, except that when a bycatch allowance, or seasonal allowance thereof, specified for pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(2) *Attainment of a trawl bycatch allowance for Pacific herring*. If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (g)(4)(i)–(vi) of this section in the Bering Sea and Aleutian Islands Management Area will catch the herring bycatch allowance, or seasonal allowances thereof, specified for that fishery category under paragraphs (g)(1)–(3) of this section, the Secretary will publish a notice in the **Federal Register** closing the Herring Savings Areas to vessels participating in that fishery category, except that (i) when the midwater pollock fishery category reaches its specified bycatch allowance, or seasonal apportionment thereof, the Herring Savings Areas are closed to directed fishing for pollock with trawl gear, and (ii) when the pollock/Atka mackerel/"other species" fishery category reaches its specified bycatch allowance, or seasonal apportionment thereof, only the Herring Savings Areas are closed for directed fishing for pollock to trawl vessels using non-pelagic trawl gear.

(i) *Unused seasonal apportionments of fishery bycatch allowances made under paragraph (g)(2) of this section will be added to the respective fishery bycatch allowance for the next season during a current fishing year*.

(j) *If a seasonal apportionment of a fishery bycatch allowance made under paragraph (g)(2) of this section is exceeded, the amount by which the seasonal apportionment is exceeded will be deducted from its respective apportionment for the next season during a current fishing year*.

[FR Doc. 92-7659 Filed 3-30-92; 4:42 pm]

BILLING CODE 3510-22-M

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

RIN 3064-AA80

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Proposed rule.

SUMMARY: This regulation implements changes mandated by the section 301 of the Federal Deposit Insurance Corporation Improvement Act of 1991 ("FDICIA"). Section 301 amended section 29 and added a new section 29A to the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1811 *et seq.*). Section 29 as amended permits adequately capitalized insured depository institutions to accept brokered deposits with a waiver from the FDIC and prohibits undercapitalized depository institutions from accepting any brokered deposits. Section 29A provides for the registration of deposit brokers and authorizes the imposition of certain recordkeeping and reporting requirements. The proposed amendments are intended to clarify the applications of sections 29 and 29A of the FDI Act.

DATES: Comments must be received by May 4, 1992.

ADDRESSES: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. Comments may be hand delivered to room F-402, 1776 F Street, NW., Washington, DC 20429 on business days between 8:30 a.m. and 5 p.m. Comments may also be inspected in Room F-402 between 8:30 a.m. and 5 p.m. on business days. (FAX number: (202) 898-3838.)

FOR FURTHER INFORMATION CONTACT: William G. Hrindac, Examination Specialist, Division of Supervision, (202) 898-6892 or Valerie J. Best, Counsel,

Legal Division, (202) 898-3812, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

Section 301 of the Federal Deposit Insurance Corporation Improvement Act of 1991 ("FDICIA") amended section 29 and added a new section 29A to the Federal Deposit Insurance Act ("FDI Act"). In general, section 29 as amended prohibits undercapitalized insured depository institutions from accepting, renewing or rolling over any brokered deposits. Adequately capitalized institutions may do so with a waiver from the FDIC while well capitalized institutions may accept, renew or roll over brokered deposits without restriction. Section 29A requires the registration of deposit brokers and authorizes the imposition of certain recordkeeping and reporting requirements.

The combined effect of these two sections of the FDI Act is to require a revision of section 337.6 of FDIC regulations which currently implements the statutory restrictions on the acceptance, renewal or roll over of brokered deposits by insured depository institutions. In general, these current restrictions deny brokered deposits to undercapitalized institutions without a waiver from the FDIC.

Paperwork Reduction Act

The collection of information contained in § 337.6 as revised by this proposal will be reviewed by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 3064-0099. The information will be collected from adequately capitalized insured depository institutions applying for a waiver from the prohibition on the acceptance or renewal of brokered deposits contained in section 29 of the Federal Deposit Insurance Act as amended (12 U.S.C. 1831f). Information will also be collected from deposit brokers registering with the FDIC in order to continue to operate as a deposit broker.

The estimated annual reporting burden for the collection of information from insured depository institutions and deposit brokers in this proposed regulation is summarized as follows:

Federal Register

Vol. 57, No. 65

Friday, April 3, 1992

Number of respondents:	
Depository institutions.....	400
Deposit brokers	50
Total.....	450
Number of responses per respondent.....	1
Total annual responses	450
Hours per response:	
Depository institutions.....	8
Deposit brokers	1
Total annual burden hours	2,450

No burden is estimated for the recordkeeping requirements proposed for deposit brokers since no new or additional records are being mandated beyond those believed maintained in the regular course of business at the present time. Although periodic reporting is authorized by statute, none is being required under the proposed regulation.

Comments concerning the accuracy of this burden estimate and suggestions on reducing this burden should be directed to the Assistant Executive Secretary (Administration), room F-453, Federal Deposit Insurance Corporation, Washington, DC 20429, and to the Office of Management and Budget, Paperwork Reduction Project (3064-0099), Washington, DC 20503.

Regulatory Flexibility Act

The FDIC's Board of Directors hereby certifies that the final regulation will not have a significant economic impact on a substantial number of small entities because it largely tracks and clarifies strictures established by statute and affords a means by which adequately capitalized insured depository institutions may avoid the application of those strictures by applying to the FDIC for a waiver. Moreover, it is anticipated that the institutions most affected by the regulation will be relatively large insured depository institutions and large brokerage firms acting as deposit brokers. Consequently, the provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603 and 604) are not applicable.

Discussion

This proposed revision of § 337.6 of FDIC regulations is designed to implement the new statutory scheme for regulating brokered deposits as prescribed in amended section 29 and new section 29A of the FDI Act. The

new statutory scheme for regulating brokered deposits raises a number of issues discussed below.

Capital Level Definitions

The new statutory scheme for brokered deposits tracks the language of other provisions of the FDICIA calling for progressively more stringent restrictions and supervision as capital levels decline. Thus, "well capitalized" institutions may accept brokered deposits without restriction, "adequately capitalized institutions" with a waiver from the FDIC, while "undercapitalized institutions" may not accept brokered deposits. These terms are the same as found in section 38 of the FDI Act dealing with prompt corrective action. However, the precise regulatory definitions of the different capital levels are currently being developed on an interagency basis and will not be available until some time beyond the date when final regulations implementing the new brokered deposits restrictions must be in place. For consistency and in keeping with the evident intent of Congress, the FDIC intends to adopt the section 38 definitions of capital levels when they become effective. In the interim, however, the proposed regulation defines "well capitalized" to mean an institution whose leverage and risk-weighted capital ratios are at least one to two percentage points higher than otherwise currently required by applicable regulations. The FDIC anticipates that the final rule will define the term "well capitalized" by reference to a precise percentage point. In other words, the final rule may provide that a "well capitalized" institution is one that maintains a capital level at least one percentage point higher than the minimum prescribed by their primary federal regulator and any state regulator. Alternatively, the final rule may provide that a "well capitalized" institution is one that maintains a capital level at least two percentage points higher than the prescribed minimum. Rather than selecting one percent or, alternatively, two percent (or a figure in between) at this time, however, the FDIC has determined to select the appropriate number only after it has had an opportunity to receive and review comments on the proposed rule. In addition, a "well capitalized" institution must be CAMEL- or MACRO-rated 1 or 2 and may not be under any outstanding order or written direction to achieve a specific higher level of capital. An "adequately capitalized" institution is one that fails to meet the standard for "well capitalized" but is not "undercapitalized." The definition of

"undercapitalized institution" is largely carried over from the current regulation, i.e., one that fails to meet any one test of capital adequacy. Excluded from the definition, however, is any institution that meets regulatory minimums and is otherwise meeting any commitment to increase capital beyond the regulatory minimums. This change was made to facilitate the orderly reduction of brokered deposits in an institution that might otherwise become "undercapitalized" by virtue of an order or other written directive to increase capital because of its particular risk profile. It is believed that these interim definitions are fairly simple, reasonable under the circumstances and should suffice until the more comprehensive definitions of capital levels become available later. These interim definitions of capital levels should not be construed as anticipatory or possibly indicative of how the difference capital levels may eventually be defined for purposes of prompt corrective action under section 38 of the FDI Act.

Interest Rate Limitations

Although an adequately capitalized institution may accept brokered deposits with a waiver from the FDIC, it may not pay rates of interest on such deposits which "significantly exceed" the rates paid on deposits of similar maturity accepted from within its normal market area or, if the brokered deposits are accepted from outside its normal market area, a "national rate * * * established" by the FDIC for deposits of comparable maturity.

For purposes of implementing these limitations, the proposed revised regulation adopts the standard in the current regulation as to the meaning of "significantly exceeds," namely, when the rate paid exceeds the market rate by more than 50 basis points. This standard has proven workable in the current regulation and staff perceives no good reason to change it although comment is welcomed.

Several alternatives seem possible in establishing national rates for brokered deposits received from outside an institution's normal market area. First, the FDIC might survey the markets throughout the country and compile and periodically publish rates for deposits of various maturities. The FDIC is concerned, however, about the timeliness of this approach since data on market rates must be available on a substantially current basis to achieve the intended purpose of this provision and permit institutions to avoid violations.

A second alternative might be to reference currently published deposit

rates such as the "Bankquote" rates published in the Wall Street Journal or the Bank Rate Monitor. While more current, such published rates may not be sufficiently representative of national rates or sufficiently cover the markets for deposits of different sizes and maturities. The FDIC understands the securities industry is developing an index for various retail brokered deposits. The FDIC will consider using such data or any other bias-free index or published rates should they become available before the final regulation is promulgated or later, when the final regulation is amended to incorporate the various definitions of capital levels adopted for purposes of prompt corrective action under section 38 of the FDI Act.

A third possible approach is to tie the national rates on deposits to the yields on comparable Treasury securities with some additional margin. This approach has both advantages and disadvantages. On the one hand, it would be objective and simple to administer. Maximum allowable rates can be computed by anyone who has the benchmark rates and the formula for deriving the maximum. Since the benchmark rates would be updated regularly and the formula remain constant, there would be no maintenance requirements for such a system once it was put in place. The principal disadvantage is inflexibility; the benchmark instruments may not have the necessary range of maturities and denominations to permit adequate differentiation in pricing different brokered deposits. Moreover, there is a need to distinguish between retail, fully insured brokered deposits and wholesale, substantially uninsured deposits which may vary by credit rating of the issuer. Nevertheless, this is the approach taken in the current proposal. It is recognized that additional work may be required to develop a formula that is demonstrably valid in relating certificate rates to rates on U.S. Treasury financial instruments.

Comment is solicited on the practicality and effectiveness of each of the possible alternative approaches.

When comparing rates offered or paid with market rates, there has been some confusion in the past as to what was intended since both the statute and current regulation simply referred to "rates" without elaboration. The FDIC proposes to clarify this by explicitly referring to "nominal" rates of interest. Staff is of the view that results ordinarily would not change much whether nominal rates were compared to nominal rates or yields to yields. Consequently, nominal rates have been

proposed for simplicity of administration and enforcement and to avoid specifying a methodology for yield computation.

Deposit Brokers

The proposed revised regulation will require the registration of deposit brokers because the statute requires registration in order to permit deposit brokers to continue to operate. Only minimal information is required under the proposed regulation. Recordkeeping requirements are imposed mandating the ability by any deposit broker to report, upon request, the volume, rates and maturities of deposits placed with any named institution over a specified time period and deposits outstanding at a given institution on a stated date. It is anticipated that these records are already being maintained by brokers in the ordinary course of business. No reporting requirements are being proposed at this time. It is believed that call report data on brokered deposits received from insured institutions is sufficient for supervisory and regulatory purposes for the time being.

Section 29 of the FDI Act grants insured depository institutions for which the FDIC has been appointed as conservator, a limited exception from the brokered deposit prohibitions set forth in the statute. The proposed rule contains an exception from the prohibition against the acceptance of brokered deposits for institutions in FDIC conservatorship. This would continue the exception in the current regulation and will require the Board to make certain findings as it did in the past. It is believed this standby authority could provide some useful funding flexibility whenever the FDIC might be appointed the conservator of an institution in the future. In any event, and consistent with section 29 of the FDI Act, this additional funding flexibility could be used for only the first 90 days of a conservatorship after which the institution could no longer accept, renew or rollover brokered deposits. Moreover, the institution would be prohibited from paying significantly higher rates on brokered deposits during the 90-day period. Section 29 of the FDI Act does not set forth a similar specific exemption from the brokered deposit prohibitions for RTC conservatorships.

Insured Branches of Foreign Banks

Although the statute does not explicitly mention insured branches of foreign banks, it is clear that the same policy considerations underlying the statutory scheme and restrictions apply to insured branches as well. Consequently, the proposed regulation

explicitly extends to insured branches of foreign banks just as the current regulation has been applied to such branches.

Waivers Granted or That May Be Needed

The revised regulation proposed herein will supplant the existing § 337.6 of FDIC regulations. When the revised regulation becomes effective, undercapitalized insured depository institutions that may have obtained a waiver to accept brokered deposits will not longer be permitted to accept, renew or rollover any brokered deposit and all such previous waivers will be void. Adequately capitalized institutions that may be in need of a waiver on the effective date of the revised regulation should anticipate and prepare the necessary application and related materials in advance for submission as soon as the final regulation is promulgated. It is anticipated that the final regulation will be promulgated at least thirty days in advance of its effective date.

The FDIC is hereby requesting comment on all aspects of the proposed rule. The FDIC is particularly interested in receiving comment on the following specific issues:

1. The FDIC must establish a "national rate paid on deposits of comparable maturity for deposits accepted outside the institution's normal market area." The FDIC is considering the following alternative methods of establishing the national rate required by the statute.

(A) *FDIC survey.* Should the rate be determined by the FDIC on the basis of a survey of selected insured depository institutions? If so, how frequently should the survey be conducted and rates repriced and published?

(B) *Private sector publications.* Alternatively, should the rate be established by reference to a widely circulated private sector publication. If so, should the FDIC average the rates reported in the publication to compute the "national rate" or should the top rate become the "national rate"? Or should some incremental value plus or minus either the average or ceiling rate become the "national rate"?

(C) *Index rate to competing instrument.* Should the national rate be indexed to a competing instrument, like U.S. Treasury obligations? If so, how should the appropriate maturity and denomination be determined with reference to the instrument being offered by the institution?

(D) *Deposit brokers.* Should the FDIC obtain such information directly from deposit brokers? If so, how should the

FDIC determine which brokers to survey and how often should the survey be conducted?

2. Adequately capitalized depository institutions granted a waiver are prohibited from paying a rate of interest on such funds which significantly exceeds the rate paid on deposits of similar maturity in such institution's "normal market area for deposits accepted in the institution's normal market area." Is clarification of the term "normal market area" necessary or desirable? If so what factors determine an institution's normal market area?

3. The statute not only limits the use of brokered deposits by insured depository institutions but also limits the interest rate that all but will capitalized institutions may offer. The brokered deposit statute generally limits the interest rate by providing that the interest offered may not be "significantly" higher than the rate offered or paid on similar deposits. The proposed rule continues the definition of "significantly" higher used in the current brokered deposit regulation. That is, a rate of interest is significantly higher if it exceeds by more than 50 basis points the nominal rate paid on deposits of comparable maturity. Is 50 basis points an appropriate measure of what is significantly higher, given the broader impact of the brokered deposit statute?

4. Would it be appropriate for the FDIC to use a simplified waiver application process for some classes of institutions and a more detailed application process for other classes? For example, should a waiver application received from an institution with a CAMEL rating of 1 or 2 be treated the same as an application from an institution with a lower CAMEL rating?

5. Although it is anticipated that the capital definitions will be changed to be consistent with regulations issued pursuant to section 131 of FDICIA, the FDIC is interested in receiving comments as to whether the capital definitions set forth in this proposal are appropriate for the interim purposes of the brokered deposit regulation and which measures of capital are best for these purposes. More specifically, the FDIC anticipates that the final rule will define the term "well capitalized" by reference to a precise percentage point and possibly other elements. Before selecting one percent or, alternatively, two percent (or a figure in between) at this time, however, the FDIC would like to have the benefit of comments on this issue. In order to be considered a "well capitalized" institution, should an institution be required to maintain a capital level that is one percentage point

or, alternatively, two percentage points or a figure in between, above the minimum prescribed by its primary federal regulator and any state regulator? The proposed rule defines capital in terms of both leverage and risk-based capital ratios. Should both leverage and risk-based capital criteria be used, or would it be more appropriate to use one ratio to the exclusion of the other? Is it appropriate to consider an institution's CAMEL or MACRO rating for purposes of deciding when an institution is well capitalized?

6. The FDIC is authorized to require deposit brokers to maintain separate records and to file quarterly reports relating to the total amounts and maturities of the deposits placed for each insured depository institution during specified time periods. The proposed rule requires deposit brokers to maintain records sufficient to reveal the volume of brokered deposits placed with any insured depository institution over the preceding 12 months, and the volume outstanding currently, including the maturities, rates and costs associated with such deposits. Additional reports may be requested by the FDIC under the proposed rule regarding the volume of brokered deposits placed with a specific insured depository institution. What, if any, additional information should the FDIC require deposit brokers to maintain? How might more extensive recordkeeping and reporting requirements affect deposit brokers? To what purpose should the information obtained from deposit brokers be used?

Proposed Effective Date

Section 301 of FDICIA requires that final regulations implementing the changes mandated become effective no later than June 16, 1992.

Accordingly, notice is hereby given that the FDIC Board of Directors proposes to adopt the following regulation on the solicitation and acceptance, renewal or rollover of brokered deposits by insured depository institutions.

List of Subjects in 12 CFR Part 337

Banks, banking, Reporting and recordkeeping requirements, Savings associations, Securities.

For the reasons set forth in the preamble, the FDIC hereby proposes to amend part 337 of title 12 of the Code of Federal Regulations as set forth below.

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for part 337 is revised to read as follows:

Authority: 12 U.S.C. 1816, 1818(a), 1818(b), 1819, 1828(j)(2), 1821(f), 1831f, 1831f-1.

2. Section 337.6 is revised to read as follows:

§ 337.6 Brokered deposits.

(a) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Adequately capitalized insured depository institution* means any insured depository institution that is neither a well capitalized insured depository institution nor an undercapitalized insured depository institution.

(2) *Brokered deposit* means any deposit, as that term is defined in section 3(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1)), that is obtained, directly or indirectly, from or through the mediation or assistance of a deposit broker.

(3) *Deposit broker.* (i) The term *deposit broker* means:

(A) Any person engaged in the business of placing deposits, or facilitating the placement of deposits, of third parties with insured depository institutions, or the business of placing deposits with insured depository institutions for the purpose of selling interests in those deposits to third parties; and

(B) An agent or trustee who establishes a deposit account to facilitate a business arrangement with an insured depository institution to use the proceeds of the account to fund a prearranged loan.

(ii) The term *deposit broker* does not include:

(A) An insured depository institution, with respect to funds placed with that depository institution;

(B) An employee of an insured depository institution, with respect to funds placed with the employing depository institution;

(C) A trust department of an insured depository institution, if the trust in question has not been established for the primary purpose of placing funds with insured depository institutions;

(D) The trustee of a pension or other employee benefit plan, with respect to funds of the plan;

(E) A person acting as a plan administrator or an investment adviser in connection with a pension plan or other employee benefit plan provided that person is performing managerial functions with respect to the plan;

(F) The trustee of a testamentary account;

(G) The trustee of an irrevocable trust (other than one described in paragraph (a)(3)(i)(B) of this section), as long as the trust in question has not been established for the primary purpose of

placing funds with insured depository institutions;

(H) A trustee or custodian of a pension or profit-sharing plan qualified under section 401(d) or 403(a) of the Internal Revenue Code of 1986 (26 U.S.C. 401(d) or 403(a)); or

(I) An agent or nominee whose primary purpose is not the placement of funds with depository institutions.

(iii) Notwithstanding paragraph (a)(3)(ii) of this section, the term *deposit broker* includes any insured depository institution, and any employee of any insured depository institution, which engages, directly or indirectly in the solicitation of deposits by offering rates of interest (with respect to such deposits) which are significantly higher than the prevailing rates of interest on deposits offered by other insured depository institutions having the same type of charter in such depository institutions normal market area.

(4) *Employee* means any employee:

(i) Who is employed exclusively by the insured depository institution;

(ii) Whose compensation is primarily in the form of a salary;

(iii) Who does not share such employee's compensation with a deposit broker; and

(iv) Whose office space or place of business is used exclusively for benefit of the insured depository institution which employs such individual.

(5) *Insured depository institution* means any bank, savings association or branch of a foreign bank insured under the provisions of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.).

(6) *Undercapitalized insured depository institution.* (i) The term *undercapitalized insured depository institution* means any insured depository institution that fails to meet the minimum capital requirements applicable to it at the time and includes any insured depository institution which:

(A) After giving effect to any chargeoffs or other capital reductions directed by a federal or state regulator, fails to meet any applicable capital standard (e.g., tangible, core, risk-based, or leverage) established by law or regulation promulgated by its principal federal or state regulator, as applicable; or

(B) Has been directed by a formal administrative order or advised in writing by a federal or state regulator as part of the supervisory process to achieve a specific higher level of capital (e.g., to margin additional risk inherent in its activities or assets, balance sheet structure, or off-balance sheet liabilities) and has not yet met that higher capital

level. Notwithstanding the foregoing, any such insured depository institution that has been directed or advised to achieve a specific higher level of capital and otherwise meets the minimum capital requirements applicable to it at the time shall not be considered an undercapitalized institution so long as it has committed to and is in compliance with a plan designed to achieve the specific higher level of capital directed or otherwise required, and provided further, that those commitments have been accepted in writing by the regulator requiring the specific higher level of capital.

(ii) The term *undercapitalized insured depository institution* includes an insured branch of a foreign bank that fails to maintain either:

(A) The pledge of assets required under 12 CFR 346.19; or

(B) The required volume of eligible assets prescribed by 12 CFR 346.20.

(7) *Well capitalized insured depository institution* means an insured depository institution that maintains every applicable leverage and risk-based capital ratio prescribed by its primary federal regulator and any state regulator at a level at least one to two percentage points higher than the prescribed minimum, is CAMEL- or MACRO-rated 1 or 2 and otherwise is not subject to any order or written direction to achieve a specific higher level of capital.

(b) *Solicitation and acceptance of brokered deposits by insured depository institutions.* (1) A well capitalized insured depository institution may solicit and accept, renew or rollover any brokered deposit without restriction by this section.

(2) (i) An adequately capitalized insured depository institution may not accept, renew or rollover any brokered deposit unless it has applied for and been granted a waiver of this prohibition by the Federal Deposit Insurance Corporation in accordance with the provisions of this section.

(ii) Any adequately capitalized insured depository institution that has been granted a waiver to accept, renew or rollover a brokered deposit may not pay a nominal rate of interest on any such deposit which, at the time that such deposit is accepted, renewed or rolled over, exceeds by more than 50 basis points:

(A) The nominal rate paid on deposits of comparable size and maturity in such institution's normal market area for deposits accepted from within its normal market area; or

(B) The national rate paid on deposits of comparable size and maturity for deposits accepted outside the

institution's normal market area. For purposes of this paragraph (b)(2)(ii), the national rate shall be determined by reference to the current yield of similar maturity U.S. Treasury obligations as announced weekly by the U.S.

Government and published daily plus 100 basis points, or 150 basis points in the case of any deposit at least half of which is uninsured.

(3) (i) An undercapitalized insured depository institution may not accept, renew or rollover any brokered deposit.

(ii) An undercapitalized insured depository institution may not solicit deposits by offering nominal rates of interest that exceed by more than 50 basis points the prevailing nominal rates of interest on insured deposits of comparable maturity in such institution's normal market area or in the market area in which such deposits are being solicited.

(iii) For purposes of the restriction contained in paragraph (b)(3)(ii) of this section, the prevailing nominal rates of interest are the average of nominal rates offered by other insured depository institutions in the market area in which deposits are being solicited. A rate of interest on a deposit with an odd maturity violates paragraph (b)(3)(ii) of this section if it is more than 50 basis points higher than the rate interpolated between the prevailing rates offered by other depository institutions on deposits of the next longer and shorter maturities offered in the market. A market area is any readily defined geographical area in which the rates offered by any one insured depository institution operating in the area may affect the rates offered by other institutions operating in that same area.

(c) *Waiver.* The Federal Deposit Insurance Corporation may, on a case-by-case basis and upon application by an adequately capitalized insured depository institution, waive the prohibition on the acceptance, renewal or rollover of brokered deposits upon a finding that such acceptance, renewal or rollover does not constitute an unsafe or unsound practice with respect to such institution. The Federal Deposit Insurance Corporation may conclude that it is not unsafe or unsound and may grant a waiver when the acceptance, renewal or rollover of brokered deposits is determined to pose no undue risk to the institution. Any waiver granted may be revoked at any time by written notice to the institution.

(d) *Application.* An adequately capitalized insured depository institution wishing to accept, renew or rollover brokered deposits may apply to the appropriate Federal Deposit Insurance Corporation regional director

for supervision for the region in which the head office of the institution is located. The application may be in letter form and shall be accompanied by a resolution of the board of directors or trustees of the institution authorizing the filing of the application and a copy of a recent consolidated financial statement, including income and cash flow statements. A copy of the application should be submitted to the institution's primary federal regulator and any state regulator, as appropriate. An application shall provide the following additional information:

(1) The scope of the waiver sought, including the time period for which a waiver may be needed;

(2) A statement of the policy governing the use of brokered deposits in the institution's overall funding and liquidity management program;

(3) The volume, rates and maturities of brokered deposits held and anticipated in the immediate future, including any internal limits placed on the terms, solicitation and use of brokered deposits;

(4) A description of how brokered deposits are costed and compared to other funding alternatives and how such deposits are used in the institution's lending and investment activities, including a detailed discussion of any plans for asset growth;

(5) A description of the procedures and practices used to solicit brokered deposits, including an identification of the principal sources of such deposits;

(6) A description of the management structure overseeing the solicitation, acceptance and use of brokered deposits, including board of directors or trustees oversight;

(7) A description of internal controls and audit practices governing the solicitation, acceptance and use of brokered deposits; and

(8) Reasons the institution believes its acceptance, renewal or rollover of brokered deposits would pose no undue risk.

(e) *Decision.* (1) The Federal Deposit Insurance Corporation Director, Division of Supervision, and when confirmed in writing by the Director, an associate director or the appropriate regional director, or deputy regional director, shall have the authority to approve or deny any waiver application properly filed. An application is properly filed when complete and accurate information addressing each of the informational elements stated in paragraph (d) of this section has been provided to the appropriate regional director. Any waiver granted will be for a fixed period, generally no longer than

two years, but may be extended upon reapplication. The Federal Deposit Insurance Corporation will provide notice to the depository institution's appropriate federal regulator and any state regulatory agency, as appropriate, that a request for waiver has been filed so that such agency(ies) may have an opportunity to consult with the Federal Deposit Insurance Corporation prior to the Federal Deposit Insurance Corporation taking action on the institution's request for a waiver. Notwithstanding the foregoing, prior notice and/or consultation shall not be required in any particular case where the Corporation determines that the circumstances require it to take action without giving such notice and opportunity for consultation.

(2) Any application filed by an institution that is CAMEL- or MACRO-rated 1 or 2 by its principal federal regulator shall be deemed approved for the period requested (not to exceed 2 years) 30 days after filing unless the institution in the interim has been notified in writing that further review and consideration is required and that it will be specifically notified when its application has been decided.

(f) *Exclusion for institutions in FDIC conservatorship.* No insured depository institution for which the Federal Deposit Insurance Corporation has been appointed conservator shall be subject to the prohibition on the acceptance, renewal or rollover of brokered deposits contained in this § 337.6 or section 29 of the Federal Deposit Insurance Act for 90 days after the date on which the institution was placed in conservatorship. During this 90-day period, the institution shall, nevertheless, be subject to the restriction on the payment of interest contained in paragraph (b)(2)(ii) of this section. After such 90-day period, the institution may not accept, renew or rollover any brokered deposit.

(g) *Deposit brokers.* (1) A deposit broker shall not solicit or place any deposit with an insured depository institution unless it has provided the Federal Deposit Insurance Corporation with written notice that it is acting as a deposit broker. The notice may be in letter form and shall describe generally the history, nature and volume of its deposit brokerage operations, including the sources and placement of such funds. The notice should be submitted to the Federal Deposit Insurance Corporation, Office of Compliance and Special Activities, Division of Supervision, Washington, DC 20429. The notice shall be effective upon receipt.

(2) A deposit broker shall maintain records sufficient to reveal the volume

of brokerage deposits placed with any insured depository institution over the preceding 12 months and the volume outstanding currently, including the maturities, rates and costs associated with such deposits.

(3) The Federal Deposit Insurance Corporation Director, Division of Supervision, or his designee may request from time to time a written report from any deposit broker regarding the volume of brokered deposits placed with a specified insured depository institution and the maturities, rates and costs associated with such deposits.

(4) When a deposit broker ceases to act as such, it shall notify the Federal Deposit Insurance Corporation in writing at the address indicated above that it is no longer acting as a deposit broker.

By order of the Board of Directors.

Dated at Washington, DC, this 24th day of March, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-7521 Filed 4-2-92; 8:45 am]

BILLING CODE 6714-01-M

Washington, DC 20537. Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT:
Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION:

Butorphanol is an agonist/antagonist, narcotic analgesic used to treat moderate to severe pain. To date, butorphanol marketed in the United States has been produced by totally synthetic means. When synthetic butorphanol was approved for marketing, no recommendation was made by DHHS for scheduling this drug under the CSA. In addition, there was no information indicating that butorphanol could be derived from thebaine, an opium constituent. As a result, synthetic butorphanol has never been considered a controlled substance under the CSA.

On May 16, 1990, a petition was filed with the DEA requesting that butorphanol derived from thebaine be decontrolled. The petitioner noted that new chemistry manufacturing information indicated that butorphanol could be manufactured from thebaine. As such, the thebaine-derived butorphanol would be a Schedule II substance since 21 U.S.C. 812(c). Schedule II(a)(1) includes "opium and opiate, and any salt, compound, derivative or preparation of opium or opiate."

On February 15, 1991, in accordance with 21 U.S.C. 811(b), the Administrator of the DEA requested that the Assistant Secretary for Health conduct a scientific and medical evaluation of thebaine-derived butorphanol and provide the DEA with a recommendation concerning the scheduling of this drug. On October 8, 1991, following a review of relevant medical and scientific data, the Assistant Secretary for Health recommended that thebaine-derived butorphanol be decontrolled from Schedule II. Accordingly, the Administrator proposes this decontrol action.

Interested persons are invited to submit, in writing, their comments or objections with regard to this proposal to decontrol thebaine-derived butorphanol. If a person believes that one or more issues raised warrant a hearing, that individual should so state and summarize the reasons for their belief. In the event comments, objections or requests for a hearing received in response to this proposal raise one or more issues which warrant

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Removal of Thebaine-Derived Butorphanol From Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) to remove thebaine-derived butorphanol from Schedule II of the Controlled Substances Act (CSA). This action is based on a recommendation from the Assistant Secretary for Health, Department of Health and Human Services (DHHS), that thebaine-derived butorphanol be decontrolled from Schedule II. As a result of this proposed rulemaking, regulatory controls and criminal sanctions pertaining to Schedule II substances will not be applicable to thebaine-derived butorphanol.

DATES: Comments and objections should be received on or before June 2, 1992.

ADDRESSES: Comments and objections should be submitted to: Administrator, Drug Enforcement Administration,

a hearing, the Administrator will publish, in the *Federal Register*, an order for a public hearing which will summarize the issues to be heard and set the time for the hearing that will not be less than 30 days after the date of the order. If no objections presenting grounds for a hearing on this proposal are received within the time limitation or if interested parties waive or are deemed to have waived their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue a final order pursuant to 21 CFR 1308.48 without a hearing. All correspondence concerning this matter should be submitted to the Administrator, Drug Enforcement Administration, Washington, DC 20537. Attention: DEA Federal Register Representative.

The Administrator of the DEA hereby certifies that this proposed rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 801 *et seq.* Drug scheduling matters are a formal action required by statute to be made on the record after opportunity for an agency hearing. It is not a major rule for purposes of Executive Order (E.O.) 12291.

Accordingly, it has not been submitted for review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12291. This matter is not subject to those provisions of E.O. 12778 which are contingent upon review by OMB. As a formal rulemaking, this action is not subject to the 90-day moratorium on regulations ordered by the President in his memorandum of January 28, 1992.

This action has been analyzed in accordance with the principles and criteria in E.O. 12812, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator of the DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR part 1308 be amended as follows:

PART 1308—AMENDED

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

2. Section 1308.12(b)(1) introductory text is proposed to be revised to read as follows:

§ 1308.12 Schedule II.

* * * * *

(b) (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

* * * * *

Dated: March 26, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-7550 Filed 4-2-92; 8:45 am]

BILLING CODE 4410-09-M

Office of the General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours in room 10276.

FOR FURTHER INFORMATION CONTACT:

Mr. John T. Comerford, Director, Financial Management Division, Office of Management Operations, Public and Indian Housing, room 4212, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-1872. Hearing or speech impaired individuals may call HUD's TDD number, (202) 708-0850. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1980. The estimated public reporting burden for the collection of information requirements contained in this rule are set out elsewhere in this document under the caption "Other Matters".

Comments regarding this burden estimate, or any other aspect of this proposed collection of information, including suggestions for reducing the reporting burden, should be sent to the U.S. Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., room 10276, Washington, DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

II. Statutory Requirement

Section 502(c) of the National Affordable Housing Act of 1990 adds a new subsection (E) to section 8(c)(4) of the U.S. Housing Act of 1937, as follows:

(4) the public housing agency shall comply with such procedures and requirements as the Secretary may prescribe to assure that sound management practices will be followed in the operation of the project, including requirements pertaining to—

* * * * *

(E) except in the case of agencies not receiving operating assistance under section 9, the establishment and maintenance of a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair and other operating costs) for each project or operating cost center (as determined by the Secretary)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 990

[Docket No. R-92-1595; FR 3088-P-01]

RIN 2577-AB08

Low-Income Public Housing—Project-Based Accounting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend 24 CFR chapter IX by adding a new subpart C in part 990 to require Public Housing agencies (but not Indian Housing Authorities) to establish and maintain a system of accounting for income and expenses by project or other appropriate cost center. This proposed change is directed by section 502(c) of the National Affordable Housing Act of 1990. The 1990 Act requires that the Department promulgate regulations under section 553 of title 5, U.S.C., taking into account the requirements of public housing agencies of different sizes and characteristics, to achieve compliance with the requirements of the above-cited section by January 1, 1993.

DATES: Comments must be received by June 2, 1992.

ADDRESSES: Interested persons are invited to submit written comments regarding this proposed rule to the

which collections and costs shall be made available to the general public and submitted to the appropriate local public official (as determined by the Secretary); except that the Secretary may permit agencies owning or operating less than 250 units to comply with the requirements of this subparagraph by accounting on an agency-wide basis.

III. Background

Currently, most Public Housing Agencies (PHAs) maintain a consolidated accounting system for projects owned and operated by the PHAs as part of the Low Income Public Housing Program. Under such a system, the operating revenues and expenses for all projects are combined. This system is necessary for PHAs to respond to federal requirements for accounting and reporting under their Consolidated Annual Contributions Contract (ACC), under which all projects are combined for determination of eligibility for operating subsidy.

The consolidated ACC format was adopted in the late 1950s. Before that, separate budgets and accounts were maintained for each housing project, and each project was expected to obtain enough rental income to meet its own operating costs. The consolidated ACC was a response to the fact that the rental income of some projects, particularly those with a high proportion of elderly residents, would not be adequate to meet operating expenses. Consolidation allowed financially stronger projects to subsidize projects that needed help, and forestalled for some years the need to provide operating subsidies. Operating subsidies are provided to PHAs to assist in funding the operating and maintenance expenses of their owned dwellings in accordance with section 9 of the U.S. Housing Act of 1937, as amended. The Performance Funding System (PFS) formula is the primary system for determining operating subsidy requirements. The subsidy amount is the difference between the estimate of operating costs calculated on the basis of the PFS formula, minus an estimate of income from rents and other sources. The PFS formula is used to calculate the level of operating subsidy eligibility for each PHA to operate its owned units, except for PHAs in Puerto Rico and the Virgin Islands, Guam, and Alaska, and PHA-owned Homeownership projects; these exceptions are due to the significantly different circumstances requiring HUD review of proposed operating budgets.

From the Federal government's perspective in managing a housing assistance program, the consolidated

ACC and accompanying consolidated budgets and accounts have worked well. Cross-subsidization of projects continues, to some extent, and the workload associated with monitoring 3200 PHAs is substantially less than would be the case if the Federal government were required to review budgets and monitor expenditures for more than 11,000 projects. The design and operation of the Performance Funding System is based on the consolidated structure. Only one set of calculations is necessary to determine the aggregate PHA eligibility for all projects under a consolidated ACC, rather than separate sets of calculations and separate budgets for each project.

From the PHAs' point of view as recipients of Federal assistance, the consolidated system has significant advantages in reducing HUD reporting requirements. The PFS puts decision-making authority on the use of formula-determined subsidy eligibility at the local level. However, from a property management perspective, consolidated budgeting and accounting can limit information available for management decision-making, and accountability for project-level operations. Cost-effective management of rental properties requires that managers be aware of income and expenditures at specific properties or management entities, so that appropriate decisions can be made concerning allocation of resources.

The Department retained OKM Associates in 1989 to undertake a independent study of project-based accounting systems. The research study analyzed existing project-based systems for the purpose of developing minimum standards and recommended procedural guidelines.

The final report on the study, and a guide book outlining the minimum HUD requirements for implementation of a project-based accounting system, were published in the fall of 1990. The report indicated that project-based accounting procedures are likely to result in maximum benefits in cases where PHAs use multiple cost centers, expanded charts of accounts, links between capital and operating budgets, and operating standards monitored by internal audit and control staff. PHAs with project-based systems were more likely to operate under de-centralized management systems, although none in the study had modified their management structure directly as a result of implementing project-based accounting systems.

IV. The Proposed Rule

Format

The Proposed Rule is formatted as a new subpart C to part 990 because the National Affordable Housing Act of 1990 (NAHA) limits applicability of project-based accounting to PHAs receiving operating subsidy under Section 9 of the 1937 Act. Part 990 is controlling with respect to operating subsidy and PFS, but current regulations do not address accounting requirements elsewhere, and project-based accounting is equally applicable to PFS housing authorities under subpart A and to NON-PFS PHAs under subpart B.

Applicability

The section on applicability is taken directly from the 1990 statute. That law states that " * * * the Secretary may permit agencies owning or operating less [sic] than 250 units to comply with the requirements of this subparagraph by accounting on an agency-wide basis." This is inferred to mean that all PHAs receiving operating subsidy are subject to the accounting requirements of section 6(c)(4)(E) of the 1937 Act, but that the Secretary has the option of permitting smaller PHAs to maintain accounts on a PHA-wide basis. The Secretary has no such option with respect to larger PHAs; they must account by project or cost-center. The Secretary has determined that PHAs owning and operating fewer than 250 units need not implement project-based accounting.

The rule proposes to limit the 250-unit threshold to rental units. This was done specifically to exclude homeownership units, and the exclusion of section 8 units is premised on statutory language that addresses " * * * agencies owning or operating less than 250 units." The Department invites specific comments on the appropriateness of this formulation, and on alternate recommendations for application of the 250-unit threshold.

This subpart will not be made applicable to Indian Housing Authorities operating under 24 CFR part 905, because section 527 of the National Affordable Housing Act specifically exempts IHAAs from coverage under sections 502 and 510 of that Act.

Definitions

The definition of Cost Center is taken almost directly from the OKM study. The definition of Cost Center also includes the language from 24 CFR 964.7, where "project" is defined for resident management programs.

The definition of Project is limited to a development project under a HUD-assigned project number. The added language for "cost center" seeks to make clear that PHAs are not bound to maintain separate accounting for every HUD originated and numbered development projects. However, where a cost center consists of units in two or more projects (as identified by HUD-assigned project number), the PHA will be required to identify the individual project numbers, the number of units, and a characterization (i.e., high-rise family, mid-rise family, scattered-site, etc.) of each numbered project included in the cost center.

Policy

Section 310 of the proposed rule basically tracks the statutory language in stating the project-based accounting requirements and listing the specific categories of operating costs mentioned in the law.

The law requires project-level *** accounting for rental collections **, which has been inferred to mean *Income* as that term is conventionally used in financial management and reporting. Existing HUD financial management forms—budgets and operating statements—track *Income* under the following accounts:

Dwelling Rental (account 3110)
Excess Utilities (account 3120)
Nondwelling Rental (account 3190)
Interest on General Fund Investments (account 3610)
Other Income (account 3690)
Receipts from Off-site Utilities (account 7110)
Receipts from Non-expendable Equipment not replaced (account 7530)

Transactions affecting the 3100 accounts are generally site-specific and readily amenable to accounting and reporting at a project level. The income to the remaining accounts would have to be allocated among projects or cost centers, to the extent that it is not project-specific.

The categories of operating expenses listed in the statute closely track existing practice and the recommendations of the OKM study. It is contemplated that the following accounts would be required to be maintained at a project or cost-center level, with direct costs charged to the specific project or cost center and indirect costs allocated among projects or cost centers. The Department invites public comment on the adequacy and appropriateness of this partial chart of accounts:

Administrative Salaries (account 4110)
Administrative Expenses Other than Salaries (accounts 4130, 40, 50, 70, and 90)
Tenant Services (accounts 4210, 20, and 30)

Utilities (accounts 4310, 20, 30, 40, 50, and 90)
Ordinary Maintenance and Operation (accounts 4410, 20, and 30)
Protective Services (accounts 4460, 70, and 80)
General Expenses (accounts 4510, 20, 30, 40, 70, 80, and 90)
Non-Routine Maintenance (accounts 4610 and 4620) and
Capital Expenditures (accounts 7520, 40, and 60).

The policy on establishment of cost centers at § 990.310(b) is intended to make clear that the point of creating a project-based accounting system is to create a more effective tool for PHA management. The Department believes that this goal can best be served by permitting the PHAs to identify the cost centers to be monitored in accordance with the goals and priorities of the PHA and its parent government. A policy preference in favor of PHAs' flexibility in application of Project Based Accounting practices is consistent with the intent of the Congress as expressed in the committee report accompanying the Senate bill, where it was stated that—

The Committee intends that project-based accounting shall be implemented in a way that serves the purposes of sound management and oversight, and not in a way that builds rigidities into public housing resource management. (Senate Report 101-318, page 178)

In the event of a disagreement between HUD and the PHA over the appropriateness of the PHA's configuration of accountable cost centers, the burden of proof is placed upon HUD to demonstrate that the PHA's project-based accounting program is inconsistent with statutory objectives or is otherwise inadequate or inappropriate.

Records and Reports

The records and reports requirements of the proposed rule are taken almost verbatim from the statute. The discussion of Commissioners' review of year-end statements and audits follows from the language of the conference report accompanying the 1990 Act, as reported from the conference committee. In that report,

The conferees want to encourage local Commissioners to review the results (of these accounting requirements). The conferees are aware that in some instances of troubled agencies, there are a breakdown in communication between the agency itself and the Board of Commissioners which is required to oversee the operations of the agency and that in at least one instance commissioners too were unable to obtain copies of HUD's annual audit of the agency. The Committee recognizes that an integral part of agency oversight is the analysis of the

operations of the agency by HUD through its annual audit. Therefore, the Committee directs the Secretary to ensure that a copy of an agencies' [sic] annual audit be made available to the Chairman of the Board of Commissioners of each agency.

Although this discussion of audits is reported in the context of section 502 of the 1990 Act relating to performance indicators, annual performance evaluations, and project-based accounting, the Department is advised that the references to audit requirements relate to annual audits required under the Single Audit Act. HUD regulations at 24 CFR 44.10(f) require that auditors submit their reports to the governmental entity being audited. Current handbook instructions explicitly require that such audits be circulated to the Chairman and to members of the PHA Board of Commissioners (see HUD Handbook 7476.1 REV 1, paragraph 14), and the Department has recently taken steps to assure compliance with that requirement. The language in this proposed rule makes the point that year-end statements developed out of project-based accounting procedures should be made available to the Commissioners at the close of the fiscal period.

Certification

The Department proposes to require that PHAs document compliance with the requirements for Project-Based Accounting by filing a one-time certification of compliance. This rule would require that, with the first PHA Fiscal Year beginning on or after January 1, 1993, the PHA will certify, on a form to be provided by HUD, that it is aware of and in compliance with the specifications of this subpart. The certification will identify each project or other cost center, the basis on which each project or other cost center has been established and determined to be in compliance with the definitions in § 990.305 and, where a cost center consists of units in two or more projects, the project numbers assigned by HUD to those projects in the development documents. It is anticipated that this would be a one-time certification, to be updated in the future only when the PHA deletes units or adds additional units or projects to its inventory of units in management, or if the PHA elects to reconfigure its system of cost centers.

Effective Dates

The January 1, 1993 date is in the statute; the provision for extending the requirements of this subpart to PHAs that increase in size is an attempt to make sure that all PHAs of similar size and condition are treated alike. The

Department is amenable to a discussion of a longer transition period for a growing PHA to develop project-based systems required of its new, larger status.

Other Matters

Findings and Certifications

A finding of no significant impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The finding of no significant impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, room 10276, 451 Seventh Street SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 issued by the President on February 17, 1981, and therefore no regulatory impact analysis is necessary. It will not have an annual effect on the economy of \$100 million or more. Furthermore, it will not cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, nor have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based

enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule will result in more precise monitoring of projects in the larger PHAs, but of the approximately 3200 PHAs nationwide, about 2400, or 75% of all PHAs, operate fewer than the threshold 250 units. Therefore, most PHAs will be unaffected by this rule.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule would not have Federalism implications and, thus, are not subject to review under the Order. The rule will require closer monitoring, by PHAs, of their housing programs, and explicitly provides for reporting to "the appropriate local public official", but contains no requirement for explicit action by such local official, and will not interfere with state or local governmental functions.

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order.

Paperwork Burden

The information collection requirements contained in this proposer rule have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1980. No person may be subjected to a penalty for failure to comply with these information collection requirements until the requirements have been approved and assigned an OMB control number. Approval and assignment of an OMB control number will be announced in a separate notice in the *Federal Register*, or at the time of publication of the final rule. Public reporting burden for the collection of information requirements contained in this rule are estimated to include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided below. Comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing this burden, should be sent to the U.S. Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., room 10276, Washington DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington DC 20503, attention: Desk Officer for HUD.

ESTIMATED REPORTING/RECORDKEEPING BURDEN

Section of rule	Number of respondents	Responses per respondent	Total annual responses	Hours per response	Total burden hours
990.320 (Reporting burden).....	784	1	784	1	784
990.320 (Recordkeeping burden).....	784	1	784	1/4	196
					980

Total Reporting/Recordkeeping Burden: 980 hours per year.

This rule was listed as item 1506 under the Office of Public and Indian Housing in HUD's semiannual agenda of regulations published on October 21, 1991 (56 FR 53380, 53428-29).

The Catalog of Federal Domestic Assistance Program number for this rule is 14.850.

List of Subjects in 24 CFR Part 990

Grant programs: housing and community development; Low and moderate income housing; Public housing.

Accordingly, 24 CFR part 990 is proposed to be amended as follows:

PART 990—LOW-INCOME PUBLIC HOUSING

1. The authority citation for part 990 would be revised to read as follows:

Authority: 42 U.S.C. 1437g; 42 U.S.C. 3535(d).

2. A new subpart C would be added, to read as follows:

Subpart C—Project-Based Accounting

Sec.

- 990.301 Applicability.
- 990.305 Definitions.
- 990.310 Project-based accounting.
- 990.315 Records and reports.
- 990.320 Certification.
- 990.325 Effective dates.

SUBPART C—PROJECT-BASED ACCOUNTING

§ 990.301 Applicability.

(a) The provisions of this subpart C are applicable to all PHAs that receive operating subsidies pursuant to section 9 of the U.S. Housing Act of 1937 (the Act), both PFS-eligible PHAs and PHAs outside the 48 adjacent states for which operating subsidy eligibility is not calculated in accordance with the PFS.

(b) PHAs that own and operate 250 or more dwelling rental units under title I of the Act, exclusive of section 8 units, are required to develop and maintain project-based accounting systems consistent with § 990.310. Where a

portion of a PHA's rental inventory is separately managed (by a resident management corporation, for example), the 250-unit threshold shall apply to the total number of PHA-owned dwelling rental units, including those separately managed.

(c) PHAs that do not receive operating subsidies or that have fewer than 250 rental units may, but are not required to, develop and use project-based accounting systems consistent with the specifications of this subpart.

§ 990.305 Definitions.

Cost Center. A set of units, activities, programs, or staff that are grouped by a PHA for purposes of management, financial monitoring and analysis. Cost centers can be delineated by administrative departments or divisions within a PHA, by office locations, by individual Projects or clusters or communities of Projects which may consist of one or more contiguous buildings, an area of contiguous row houses, or scattered-site buildings.

Project. A building or set of buildings identifiable as a development project under a HUD-assigned project number.

§ 990.310 Project-based accounting.

(a) PHAs identified in § 990.301(b), above, shall develop and maintain a system of accounting for operating income and operating costs for each project or operating cost center in a manner capable of generating information to meet HUD consolidated reporting requirements. Operating income and cost information to be accounted on a project or cost center level shall include at least rental income and administrative costs, utilities costs, maintenance costs, repair costs, and such other income and costs as may be specified by HUD in Handbooks, HUD Notices, or in a Memorandum of Agreement between HUD and a PHA. The minimum income and expense distribution requirements for project-based accounting include:

(1) Operating income transactions will be distributed at a project or cost center level with project-specific income credited to the specific project or cost center, and with income that is not project-specific allocated among projects or cost centers.

(2) Operating expense transactions will be distributed at a project or cost-center level with direct costs charged to the specific project or cost center, and with indirect costs allocated among projects or cost centers.

(b) PHAs may establish operating cost centers on any reasonable basis that reflects the PHA management structure and that meets the financial information

needs at the lowest level of line authority within the management structure. A PHA's determination of appropriate cost centers and method of income and cost distribution shall be controlling unless HUD determines there is good cause for requiring some other frame of reference for aggregating financial information.

§ 990.315 Records and reports.

(a) Each PHA shall maintain fiscal year-end income and expense financial statements for each project or other cost center and shall make these available for review upon request by interested members of the public.

(b) Each PHA shall distribute such year-end financial statements to the Chairman and to each member of the Housing Authority Board of Commissioners, and to such other State and/or local public officials as the Secretary may specify. Project-based income and expense financial statements shall be made available to Board chairmen as soon as is practicable after the close of the fiscal period.

§ 990.320 Certification.

(a) With the first PHA Fiscal Year beginning on or after January 1, 1993, the PHA will certify, on a form to be provided by HUD, that it is aware of and in compliance with the specifications of this subpart. The certification will identify each project or other cost center, the basis upon which each project or other cost center has been established and determined to be in compliance with the definitions of § 990.305, above, and where a cost center consists of units in two or more projects (as identified by HUD-assigned development project number) the PHA will be required to identify the individual development project numbers, the number of units, and a characterization (i.e., high-rise family, mid-rise family, scattered-site, etc.) of each numbered project included in the cost center.

(b) A certification made in accordance with this section shall be up-dated if the PHA deletes units, adds additional units or projects (as identified by HUD-assigned development project numbers) to its inventory, or otherwise elects to reconfigure its system of cost centers.

§ 990.325 Effective dates.

The provisions of this subpart shall be effective for all PHA fiscal years beginning on or after January 1, 1993. In the case of PHAs whose housing programs expand to the point at which their inventory of rental units exceeds the threshold stated in § 990.301(b), the

provisions of § 990.310 shall become effective at the beginning of the PHA's first fiscal year after the date on which its inventory of rental units reaches 250.

Dated: February 14, 1992.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 92-7650 Filed 4-2-92; 8:45 am]

BILLING CODE 4210-33-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Privacy Act of 1974; Implementation

AGENCY: National Labor Relations Board.

ACTION: Proposed rule with request for comments.

SUMMARY: The National Labor Relations Board ("NLRB") proposes to exempt a new system of records from certain provisions of the Privacy Act of 1974, 5 U.S.C. 552a. The system of records consists of the investigative files of the Office of the Inspector General of the NLRB.

DATES: Comments must be received on or before May 4, 1992.

ADDRESSES: All persons who desire to submit written comments, views, or arguments for consideration by the Board shall file the same with the Executive Secretary, National Labor Relations Board, Washington, DC 20570-0001. Copies of such communications will be available for examination by interested persons during regular business hours in the Office of the Executive Secretary, room 701, 1717 Pennsylvania Avenue, NW., Washington, DC 20570-0001.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, National Labor Relations Board, room 701, 1717 Pennsylvania Avenue, NW., Washington, DC 20570-0001.

SUPPLEMENTARY INFORMATION: Elsewhere in today's issue of the *Federal Register*, the NLRB is proposing a new system of records under the Privacy Act of 1974. The system contains the investigative files of the Office of the Inspector General. The NLRB proposes to exempt this new system of records from specified provisions of the Privacy Act.

Section (j)(2) of the Privacy Act provides that the head of an agency may promulgate rules to exempt a system of records from the Act, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F)

(e) (6), (7), (9), (10) and (11), and (i) if the system of records is compiled for a criminal law enforcement purpose and maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws.

Section (k)(2) of the Privacy Act provides that the head of an agency may promulgate rules to exempt a system of records from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f), if the system of records is investigatory material compiled for law enforcement purposes other than material within the scope of Subsection (j)(2) of the Act.

The Office of the Inspector General Investigative Files contain information of the type described in sections (j)(2) and (k)(2) of the Privacy Act. The Inspector General Act Amendments of 1988, Public Law No. 100-504, amending Public Law No. 95-452, 5 U.S.C. app. at 1184 (1988), authorize the Office of Inspector General to conduct investigations to detect fraud and abuse in the programs and operations of the NLRB and to assist in the prosecution of participants in such fraud or abuse. The Office of the Inspector General investigative files are maintained pursuant to its law enforcement and criminal investigation functions. Exemptions under sections 552a(j)(2) and (k)(2) of the Privacy Act are necessary to maintain the confidentiality of the investigative files and the effectiveness of the Inspector General's investigations.

The disclosure of information contained in this system of records, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of OIG investigations. Knowledge of such investigations could enable suspects to take action to prevent detection of unlawful activities, conceal or destroy evidence, or escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their families, and could jeopardize the safety and well-being of investigative and related personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified or retained would significantly impede the effectiveness of OIG investigative activities and in addition, could preclude the apprehension and successful prosecution or discipline of persons engaged in fraud or other illegal activity.

The National Labor Relations Board proposes, in connection with the establishment of the system of records

containing the Office of the Inspector General Investigative Files, to amend part 102, 29 CFR subpart K, § 102.117 to add three new paragraphs, (m), (n) and (o), Inspector General Exemptions, pursuant to 552a(j)(2) and (k)(2) of the Privacy Act.

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the NLRB certifies that the amendments to part 102, subpart K will not, if adopted, have a significant impact on a substantial number of small businesses. The NLRB further finds that the proposed rule does not qualify as a "major rule" under Executive Order No. 12291 since it will not have an annual effect on the economy of \$100 million or more.

List of Subjects in 29 CFR Part 102:

Privacy, reporting, and recordkeeping requirements.

For the reasons stated in the preamble, part 102 of title 29, Ch. I of the Code of Federal Regulations, is proposed to be amended as follows:

PART 102—[AMENDED]

Subpart K—Records and Information

1. The authority citation for part 102 is revised as follows:

Authority: Sec. 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117 also issued under section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)), and section 552a(j) and (k) of the Privacy Act (5 U.S.C. 552a(j) and (k)). Sections 102.143 through 102.155 also issued under sec. 504(c)(1) of the Equal Access to Justice Act as amended (5 U.S.C. 504(c)(1)).

§ 102.117 [Amended]

2. Section 102.117 of subpart K, is amended by adding paragraphs (m), (n), and (o) as follows:

* * * *

(m) Pursuant to 5 U.S.C. 552a(j)(2), the system of records maintained by the Office of the Inspector General of the National Labor Relations Board that contains Investigative Files shall be exempted from the provisions of 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and 29 CFR 102.117(c), (d), (f), (g), (h), (i), (j) and (k), insofar as the system contains investigatory material compiled for criminal law enforcement purposes.

(n) Pursuant to 5 U.S.C. 552a(k)(2), the system of records maintained by the Office of the Inspector General of the National Labor Relations Board that contains the Investigative Files shall be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) and 29 CFR 102.117 (c), (d), (f), (g), (h), (i), (j),

and (k), insofar as the system contains investigatory material compiled for law enforcement purposes not within the scope of the exemption at 29 CFR 102.117(m).

(o) Privacy Act exemptions contained in paragraphs (m) and (n) of this section are justified for the following reasons:

(1) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his/her request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Accounting for each disclosure would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of the investigation. The release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation and could seriously impede or compromise the investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel, and their families and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(2) 5 U.S.C. 552a(c)(4) requires an agency to inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of the Act. Since this system of records is being exempted from subsection (d) of the Act, concerning access to records, this section is inapplicable to the extent that this system of records will be exempted from subsection (d) of the Act.

(3) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him/her, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting access to records in this system of records could inform the subject of an investigation of an actual or potential criminal violation, of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his/her activities, or of the identity of confidential sources, witnesses, and law enforcement personnel and could provide information to enable the subject to avoid detection or apprehension. Granting access to such information could seriously impede or compromise an investigation, endanger the physical safety of confidential sources, witnesses, law enforcement

personnel, and their families, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and disclose investigative techniques and procedures. In addition, granting access to such information could disclose classified, security-sensitive, or confidential business information and could constitute an unwarranted invasion of the personal privacy of others.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations and law enforcement because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established. In addition, during the course of the investigation, the investigator may obtain information which is incidental to the main purpose of the investigative jurisdiction of another agency. Such information cannot readily be segregated. Furthermore, during the course of the investigation, the investigator may obtain information concerning the violation of laws other than those which are within the scope of his/her jurisdiction. In the interest of effective law enforcement, OIG investigators should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for other law enforcement agencies.

(5) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The application of this provision could impair investigations and law enforcement by alerting the subject of an investigation, thereby enabling the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Moreover, in certain circumstances the subject of an investigation cannot be required to provide information to investigators and information must be collected from other sources. Furthermore, it is often necessary to collect information from sources other

than the subject of the investigation to verify the accuracy of the evidence collected.

(6) 5 U.S.C. 552a(e)(3) requires an agency to inform each person whom it asks to supply information, on a form that can be retained by the person, of the authority under which the information is sought and whether disclosure is mandatory or voluntary; of the principal purposes for which the information is intended to be used; of the routine uses which may be made of the information; and of the effects on the person, if any, of not providing all or any part of the requested information. The application of this provision could provide the subject of an investigation with substantial information about the nature of that investigation that could interfere with the investigation. Moreover, providing such a notice to the subject of an investigation could seriously impede or compromise an undercover investigation by revealing its existence and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a *Federal Register* notice concerning its procedures for notifying an individual, at his/her request, if the system of records contains a record pertaining to him/her, how to gain access to such a record and how to contest its content. Since this system of records is being exempted from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable to the extent that this system of records will be exempt from subsections (f) and (d) of the Act. Although the system would be exempt from these requirements, OIG has published information concerning its notification, access, and contest procedures because, under certain circumstances, OIG could decide it is appropriate for an individual to have access to all or a portion of his/her records in this system of records.

(8) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a *Federal Register* notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources and witnesses, and to avoid the disclosure of investigative techniques and procedures. Although the system will be exempt from this requirement,

OIG has published such a notice in broad generic terms.

(9) 5 U.S.C. 552a(e)(5) requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual. Since the Act defines "maintain" to include the collection of information, complying with this provision could prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In collecting information for criminal law enforcement purposes, it is not possible to determine in advance what information is accurate, relevant, timely, and complete. Facts are first gathered and then placed into a logical order to prove or disprove objectively the criminal behavior of an individual. Material which seems unrelated, irrelevant, or incomplete when collected can take on added meaning or significance as the investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, thereby impeding effective law enforcement.

(10) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. Complying with this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(11) 5 U.S.C. 552a(f)(1) requires an agency to promulgate rules which shall establish procedures whereby an individual can be notified in response to his/her request if any system of records named by the individual contains a record pertaining to him/her. The application of this provision could impede or compromise an investigation or prosecution if the subject of an investigation were able to use such rules to learn of the existence of an investigation before it could be completed. In addition, mere notice of the fact of an investigation could inform the subject and others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since this system would be exempt from subsection (d) of the Act, concerning access to records, the requirements of subsection (f) (2)

through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable to the extent that this system of records will be exempted from subsection (d) of the Act. Although this system would be exempt from the requirements of subsection (f) of the Act, OIG has promulgated rules which establish agency procedures because, under certain circumstances, it could be appropriate for an individual to have access to all or a portion of his/her records in this system of records.

(12) 5 U.S.C. 552a(g) provides for civil remedies if an agency fails to comply with the requirements concerning access to records under subsections (d) (1) and (3) of the Act; maintenance of records under subsection (e)(5) of the Act; and any other provision of the Act, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual. Since this system of records would be exempt from subsections (c) (3) and (4), (d), (e) (1), (2), and (3) and (4) (G) through (I), (e) (5) and (8), and (f) of the Act, the provisions of subsections (g) of the Act would be inapplicable to the extent that this system of records will be exempted from those subsections of the Act.

Dated, Washington, DC, March 27, 1992.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 92-7591 Filed 4-2-92; 8:45 am]

BILLING CODE 7545-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Chapter XIV

Federal Regulatory Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments on Equal Employment Opportunity Commission Regulations.

SUMMARY: On January 28, 1992, the President requested all federal agencies to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth. The President asked that this review be completed within 90 days. Towards this end, the Commission has undertaken a comprehensive review of all EEOC regulations.

As part of the Commission's review, the President has asked that we work with the public and other interested

parties to identify the regulations and programs that impose a substantial cost on the economy. The Commission is seeking public comment to aid in the identification of regulations to be reviewed.

DATES: Public comment and analysis are requested by April 14, 1992.

ADDRESSES: Comments should be addressed to Frances M. Hart, Executive Officer, U.S. Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507.

FOR FURTHER INFORMATION CONTACT: Ann Colgrove, Acting Director, Office of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-4900, FTS 989-4900 or TDD (202) 663-4494. This notice is also available in the following alternative formats: large print, braille, audio tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Office of Equal Employment Opportunity at (202) 663-4395, FTS 989-4395 or TDD (202) 663-4399.

SUPPLEMENTARY INFORMATION: Since the President's announcement during the State of the Union Address that a comprehensive review of all federal regulations will be undertaken, Commission staff have been assigned to begin a review of all the Commission's regulations. Staff review has been ongoing and should be completed in early April. Public input into the review process at this time will be helpful.

The President articulated two clear goals of his regulatory reform effort: To eliminate unnecessary regulatory burden and to promote economic growth. In order to achieve these two goals, the President has asked that the Commission review each regulation against five standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society;

(2) Regulations should be fashioned to maximize net benefits to society;

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost;

(4) Regulations should incorporate market mechanisms to the maximum extent possible; (and)

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

The Commission has been and will be working with the Council on Competitiveness to report on the results of the review and to develop a list of priorities and a schedule for their completion.

The Commission seeks public comment to aid in its review. Commenters should identify specifically those regulations they believe impose substantial costs on the economy; present their analysis as to how the regulation, as distinct from the underlying statutory requirement, imposes such a cost and whether the benefits of the regulation clearly outweigh the costs; and suggest whether different regulatory standards should be used, the regulation needs to be clarified or the regulation should be repealed. Commenters should include supporting data on how a regulation has impeded economic growth or has required excessive costs for compliance.

Signed at Washington, DC, this 27th day of March, 1992.

Evan J. Kemp, Jr.,
Chairman.

[FR Doc. 92-7707 Filed 4-2-92; 8:45 am]
BILLING CODE 6750-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD1 90-202]

Anchorage Ground; Boston Harbor, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the existing anchorage ground regulations in 33 CFR 110.134 for Boston Harbor. The amended regulations will better assure the availability of deepwater anchorages for deepdraft vessels, enable the Coast Guard to stay apprised of vessel activity in these anchorages, and establish minimum safety standards for routine and unusual circumstances.

DATES: Comments must be received on or before May 18, 1992.

ADDRESSES: Comments may be mailed to the Commanding Officer, Marine Safety Office, 455 Commercial Street, Boston, MA, 02109-1045, or may be delivered to room 234 at the above address between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-3000. The Marine Safety Office

Boston maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 234, Marine Safety Office Boston.

FOR FURTHER INFORMATION CONTACT:
LCDR S.P. Garrity at (617) 223-3000.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CCD1 90-202) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Office Boston at the address under "ADDRESSES." If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the *Federal Register*.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Stephen Garrity, Project Officer, Marine Safety Office Boston, and Lieutenant Commander John Astley, Project Counsel, First Coast Guard District Legal Office.

Background and Purpose

The goals of the proposed amendment to the existing anchorage ground regulations (33 CFR 110.134) are: (1) To assure maximum availability to the limited deepwater anchorage area within Boston Harbor for use by deepdraft vessels; (2) to enhance safety and to reduce environmental risks associated with the carriage and transfer of oil products aboard the ships and barges that anchor in Boston Harbor.

Each year the port of Boston receives approximately 1,000 ships and an additional 1,200 barges. By and large, the great majority of these are fully laden tank vessels carrying various kinds of petroleum products, including gasoline, jet fuel, home heating oil, and No. 6 fuel oil. Because the size of tankers averages between 20,000 and

50,000 deadweight tons, many are constrained by tide and draft from proceeding directly to berth and anchor usually in either an established anchorage area or Broad Sound. Vessels anchored in these areas subject to the risks attending the anchorage of vessels generally, which include collisions, groundings, or similar vessel casualties resulting from close proximity situations during tide swings or from vessels dragging anchor.

Instances have been reported to the Coast Guard where the safe anchoring of deepdraft vessels totally within the boundaries of the deepwater anchorage areas in Boston Harbor has been unduly hampered by the unexpected presence of barges weathering over or awaiting an available berth left anchored and unattended in deepwater anchorage space.

Local pilots have indicated to the Captain of the Port (COTP) Boston that the holding ground in the Boston anchorages is also questionable. This problem is exacerbated during periods of heavy weather when winds in excess of 35 knots and seas in excess of 4 feet will sometimes cause vessels to drag anchor. For example, on Thanksgiving Day, 1986, the tanker KRITI MOUNTAINS, with a lighter barge alongside, dragged anchor in high winds and went aground on Deer Island. A similar incident occurred also in November 1989 involving a tug and tank barge OCEANS 250. Indeed, three other dragging incidents have occurred in the past five years.

Even secure holding ground is no guarantee against other marine perils. In early 1990, the tanker PLUTO, at anchor in the vicinity of Deer Island and President Roads Anchorage, was hit by a vessel inbound in fog. The potential spill could have been immense; fortunately, it was minor. Bunkering and lightering activities present additional risks of oil pollution and, in the event of serious accident, could lead to a fire or similar marine disaster, with the potential for loss of life, personal injury, vessels sinking and obstructing anchorages or main ship channels, and environmental catastrophe.

Over the past few years the regulatory expectations imposed upon operators of vessels in general have demanded a much more conscientious approach to the avoidance of oil pollution, marine peril, and hazards to others.

The existing regulations for general anchorages in the COTP Boston Zone have not kept pace with these developments, or with the expectations of the public as to precautions to prevent mishaps. The proposed revisions to these regulations will

expand and specify requirements for vessels anchoring in the COTP Boston Zone. In general, these regulations impose requirements upon anchored vessels that will better enable the U.S. Coast Guard to be cognizant of and to deal with routine matters and unusual circumstances related to vessel activity in the Boston Harbor anchorages.

The revisions help complement the existing generalized requirements for anchored vessels contained in 33 CFR 164.19, 33 CFR part 245, 46 CFR 35.01-50(f), and 46 CFR 35.05-15(b) and implement a new local requirement for notifying the COTP Boston of vessel to vessel transfers, occurring in the COTP Boston zone, as per 33 CFR 156.118(b).

Accordingly, the regulatory requirements imposed upon commercial vessels by these proposed regulations are the minimum felt necessary to reduce the risk of foreseeable mishaps to reasonable levels, and no single requirement is felt to stand out in terms of the burden it imposes.

In formulating the proposed revisions to the existing Boston Harbor anchorage regulations, the COTP Boston conferred with pilots, docking pilots, vessel agents, the Boston harbormaster, and the Army Corps of Engineers. Consultation with and comments from other vessel agents, masters, barge companies, and other vessel operators are sought and will be appreciated. This regulations is issued pursuant to 33 U.S.C. 471 as set out in the authority citation for all of Part 110.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary. While some minor costs may result from the shipping industry's implementation of and compliance with this proposed rulemaking, those costs will be minimal.

For ships, the greatest financial burden resulting from the proposed regulations is the need for a vessel's master to set a proper anchor watch, to ensure procedures are followed to detect a dragging anchor and to guard and answer Channel 16 VHF-FM. As per 33 CFR 164.19, setting an anchor watch and being alert for a dragging anchor are not only sound commercial practice but also established and mandated Coast Guard procedure. Assuming, therefore, that a proper anchor watch is established by vessel personnel on the ship's bridge, those personnel could reasonably be

expected to maintain the vessel's radio guard while at anchor, resulting in no significant adverse financial effect on ship operators.

Barge operators too may face slight increases in cost resulting from these same proposed requirements. The Coast Guard recognizes the need for allowing barge companies some flexibility in determining manageable and cost-effective alternatives for achieving compliance with the operational standards specified in these proposed regulations. Accordingly, the COTP Boston has allowed for "equivalent alternate means," which should enable barge companies to determine for themselves how best to comply with the proposed requirements without incurring any substantial increased costs.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

As stated above, barge companies, in complying with these regulations, could face slight increases in cost as a result of this proposed rulemaking. Accordingly, the COTP Boston is allowing flexibility in the development of "equivalent alternative means" to enable barge companies to determine for themselves suitable alternatives to minimize any adverse economic burden associated with this rulemaking. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications

to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. In fact, implementation of this rulemaking should help to protect the environment, reducing the risk of groundings and collisions resulting from vessels dragging anchor or other marine accidents. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 110 of title 33, Code of Federal Regulations, as follows:

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.134 is amended by redesignating paragraph (b)(1) as (b)(4) and revising it, redesignating paragraphs (b)(2) and (b)(3) as (b)(5) and (b)(6) respectively, and by adding new paragraph (b)(1) through (b)(3) to read as follows:

§ 110.134 Boston Harbor, MA.

(b) *The regulations.* (1) Except with permission of the Captain of the Port, all vessels anchored within anchorage areas established in this section shall place all anchors well within the anchorage area so as to prevent any portion of the hull or rigging from extending outside the boundaries of the anchorage area. (2) Except with permission of the Captain of the Port, all vessels anchored within anchorage areas established in this section shall:

(i) Maintain a bridge watch, guard and answer Channel 16 VHF FM, maintain an accurate position plot, and, when gale force winds or greater exist or are anticipated, maintain an underway capability appropriate to the prevailing or anticipated conditions to avoid dragging anchor, collisions or groundings.

(ii) Take necessary and immediate actions to eliminate the threat of collisions or groundings, including, but

not limited to, communicating in an emergency with other affected vessels and the Coast Guard Captain of the Port or Coast Guard Group Boston.

(iii) Provide equivalent alternative means acceptable to the Captain of the Port to ensure that the vessel complies with the regulations in this section on those occasions when a vessel is unable to meet the operational requirements specified in subparagraphs (b)(2)(i) and (ii) above.

(iv) Report immediately to the Captain of the Port any incident of the vessel not maintaining position or any condition on board the vessel or any of the attendant vessels that materially and adversely affects compliance with the regulations in this section.

(3) Except with permission of the Captain of the Port, no vessel anchored within anchorage areas established in this section:

(i) Lighter or bunker while at anchor without notifying Coast Guard Group Boston on Channel 16 VHF-FM upon commencing such action and again upon completion of all such lightering or bunkering operations.

(ii) Occupy any designated anchorage area for more than 7 consecutive days.

(4)(i) The President Roads 40-Foot Anchorage is intended for the exclusive use of deepdraft or self-propelled vessels and tank barges engaged in lightering or bunkering operations. Except with the prior permission of the Captain of the Port, no barge may be anchored and left unattended in the President Roads 40-Foot anchorage unless it is in connection with an anticipated or completed lightering or bunkering operation and then for only six hours or less. Barges that are awaiting an available berth or weathering over shall use any other appropriate designated anchorage area.

(ii) The Captain of the Port may authorize the use of the President Roads Anchorage as an explosives anchorage when he determines that the interests of commerce will be promoted and that safety will not be prejudiced thereby. Vessels anchored in this area shall move promptly upon notification by the Captain of the Port.

Dated: January 7, 1992.

K.W. Thompson,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 92-7584 Filed 4-2-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 58

[AD-FRL-4120-6]

Ambient Air Quality Surveillance
AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of comment period.

SUMMARY: This notice announces an extension of the comment period related to EPA's proposal enhanced ozone monitoring regulations (57 FR 7687, March 4, 1992) to May 4, 1992. The comment period was previously scheduled to close on April 3, 1992.

DATES: Comments will be accepted until May 4, 1992.

ADDRESSES: Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A-91-22 at the following address: U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Geraldine J. Dorosz, Technical Support Division (MD-14), Office of Air Quality Planning and Standards, U.S.

Environmental Protection Agency, Research Triangle Park, NC 27711, phone 919-541-5492 or [FTS] 629-5651.

SUPPLEMENTARY INFORMATION: For further information on this matter, please refer to EPA's March 4, 1992 *Federal Register* Proposed Rule at 57 FR 7687.

Dated: March 24, 1992.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 92-7834 Filed 4-2-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION
47 CFR Part 73

[MM Docket No. 92-58, RM-7947]

Radio Broadcasting Services; East Brewton, AL
AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Escambia Creek Indian Broadcasting Company, requesting the allotment of FM Channel

239A to East Brewton, Alabama, as that community's first local aural transmission service. Coordinates used for this proposal are 31-12-07 and 87-02-03.

DATES: Comments must be filed on or before May 22, 1992, and reply comments on or before June 7, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: M. Scott Johnson and Catherine M. Withers, Esqs., Gardner, Carton and Douglas, 1301 K Street NW., suite 900, East Tower, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-58 adopted March 17, 1992, and released March 31, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7729 Filed 4-2-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-59, RM-7923]

Radio Broadcasting Services; Bradenton, FL
AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Sunshine State Broadcasting Company, Inc., proposing the substitution of Channel 278C for Channel 277C at Bradenton, Florida, and modification of its license for Station WDUV(FM) to specify Channel 278C. Channel 278C can be allotted to Bradenton in compliance with the Commission's minimum distance separation requirements with a site restriction of 41.7 kilometers (25.9 miles) northeast in order to avoid short-spacing to a construction permit for Station WQOL(FM), Channel 279C2, Vero Beach, Florida. The coordinates are North Latitude 27-49-20 and West Longitude 82-21-50.

DATES: Comments must be filed on or before May 22, 1992, and reply comments on or before June 17, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: George R. Borsari, Jr., Borsari & Paxson, 2033 M Street NW., suite 630, Washington, DC 20036 (Attorney for Sunshine State Broadcasting Company, Inc.)

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-59, adopted March 20, 1992, and released March 31, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7732 Filed 4-2-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-60, RM-7916]

Radio Broadcasting Services; Yankeetown, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by William R. Lacy, seeking the allotment of Channel 242A to Yankeetown, Florida, as that community's first local FM service. Channel 242A can be allotted to Yankeetown in compliance with the Commission's minimum distance separation requirements without a site restriction. The coordinates are North Latitude 29-01-47 and West Longitude 82-42-58.

DATES: Comments must be filed on or before May 22, 1992, and reply comments on or before June 17, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William R. Lacy, 3507-A Van Tassel, Amarillo, Texas 79121 (petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-60, adopted March 20, 1992, and released March 31, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor,

be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7731 Filed 4-2-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-361; RM-7502]

Radio Broadcasting Services; Houma and Chalmette, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document dismisses the petition of Guaranty Broadcasting Corporation, licensee of Station KCIL-FM, Channel 298C1, Houma, Louisiana, to reallot Channel 298C1 from Houma to Chalmette, Louisiana, and to modify its license accordingly, at petitioner's request. See 57 FR 00866, January 9, 1992. With this action, this proceeding is terminated.

DATES: The withdrawal of the proposed rule is effective May 15, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-361, adopted March 17, 1992, and released March 31, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor,

Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7728 Filed 4-2-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Finding on a Petition To List the Jemez Mountains Salamander as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding; 12-month petition finding for the Jemez Mountains salamander.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 12-month finding for a petition to amend the List of Endangered and Threatened Wildlife and Plants to include the Jemez Mountains salamander (*Plethodon neomexicanus*) as a threatened or endangered species. After review of information concerning the status of the species and proposed conservation measures designed to protect and maintain the species, the Service finds that listing the Jemez Mountains salamander is not warranted at this time.

DATES: The finding announced in this notice was made on February 11, 1992.

ADDRESSES: Information, comments, or questions concerning this notice should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 3530 Pan American Highway NE, suite D, Albuquerque, New Mexico 87107. The petition, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jennifer Fowler-Propst, Field Supervisor, at the above address (505-883-7877 or FTS 474-7877).

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on a petition to list, delist, or reclassify a species within 12 months of receiving the petition, and the finding is to be published promptly in the **Federal Register**. On February 21, 1990, the Service received a petition from Dr. James R. Dixon to list the Jemez Mountains salamander as a threatened or endangered species. On September 18, 1990, a notice of petition finding was published in the **Federal Register** (55 FR 38342). The notice stated that the petition presented substantial information indicating listing of the salamander as a threatened or endangered species may be warranted and a status review was initiated.

Requests for additional information concerning the present status of the Jemez Mountains salamander and threats to its continued existence were sent to 30 different Federal, state, and county agencies, public and private organizations, and various individuals. Nine responses were received. Of these, two provided additional status information, two supported listing, two indicated listing was not warranted at this time, one indicated that pumice mining was not a threat to the species, another requested the decision not be made until ongoing research is completed, and one response had no comment.

Within the Jemez Mountains, the species is known from 23 locations and has never been found in abundance at any one location. Between 1986 and 1989, 130 sites likely to support salamanders were visited. Of these sites, 16 were found to have 6 or more salamanders. The more intensive efforts to locate salamanders since 1985 have established them to be more widespread than previously believed. Adequate moisture conditions must prevail if the presence of salamanders in an area is to be confirmed, and the past 3 years of study have been comparatively dry years.

This finding is based on numerous documents including published and unpublished studies, agency documents, literature synthesis, and field reports.

The petition states that the major part of the salamander's range is in the Santa Fe National Forest and that the U.S. Forest Service (USFS) is in the process of increasing the intensity and frequency of logging within the range of the salamander. The petition also states that logging and associated activities such as road-building will have a pervasive effect on a large proportion of the range.

The threat of salamander habitat

being adversely affected by forest management practices has been removed by the development of a Memorandum of Agreement (MOA) between the Service, USFS, and the New Mexico Department of Game and Fish (Department), signed by all the parties on May 30, 1991. The MOA calls for the drafting of a Jemez Mountains Salamander Management Plan (Plan) within 3 years. The goal of the Plan will be to delineate actions which must be taken to ensure the long-term viability of all populations of the salamander on the Santa Fe National Forest through maintenance of habitat. The Plan will be incorporated into the Santa Fe National Forest Management Plan. The MOA also provides for the protection of salamander habitat during the 3 years the Plan is being developed by establishing areas (salamander conservation areas of SCA) where timber sales will not occur and other activities possibly detrimental to the salamander will be undertaken only after surveys and evaluation by the team. Additionally, salamander evaluation areas (SEA) have been established under the MOA which will be surveyed according to protocol and activities will be prohibited in stands where salamanders are found.

Current USFS policy is not to harvest timber from areas known to contain salamanders because the salamander is considered by USFS designation to be a sensitive species. Before a proposed timber sale in potential salamander habitat is allowed to proceed, a survey will be conducted to determine if salamanders are present. This survey is conducted according to an Interagency Protocol (Protocol) developed by the New Mexico Endemic Salamander Working Team (Team). The Protocol sets the standards under which a given area must be surveyed to determine if salamanders are present. If a salamander is found, the entire forest stand will then be excluded from the timber harvest unit. For example, if within a timber harvest unit, a salamander is found in an aspen stand, then the entire aspen stand is excluded from harvest.

The petition also states that the effects of logging on Jemez Mountains salamander populations are not known. It noted though, that soil disturbance, erosion, desiccation, increased temperature and insolation, and decrease in the number of large downed logs that accompany frequent and intensive logging may be extremely detrimental to salamander populations. The petition also said that studies designed to examine the direct effects of logging on salamander populations have been initiated by the New Mexico Department of Game and Fish in

cooperation with the USFS, but they have not been fully implemented.

In 1986, the New Mexico Department of Game and Fish (Department) initiated studies of the natural history and biology of the species. Specifically, the Department is studying the distribution, population status, habitat associations, microhabitat use, and biotic and abiotic factors which may limit the distribution and abundance of the species. Study sites are established in occupied salamander habitat to verify the impacts of logging upon the salamanders. Under the MOA, the USFS is now cooperating to implement the salamander studies.

The petitioner expressed concern that although a cooperative interagency agreement establishing a New Mexico Salamander Management Team and specifying the responsibilities of the various agencies in assuring a secure future for the salamander was signed by the U.S. Fish and Wildlife Service and the New Mexico Department of Game and Fish more than a year previously, the USFS had not yet approved the agreement. That agreement was an earlier version of the MOA that is now in effect.

Under the MOA, the Team, consisting of two members from the Service, the USFS, and the Department will aid in directing conservation and research efforts for the salamander. The team processes, evaluates, and disseminates information relative to endemic salamander conservation, reviews research proposals, advises and assists the respective agencies in the development and implementation of salamander management, and reviews and provides comments on proposed land disturbing activities scheduled to occur in the habitat of the salamander.

Based on the best scientific and commercial information currently available, the Service finds that the petition to list the Jemez Mountains salamander as endangered or threatened is not warranted at this time.

Author

This notice was prepared by Lorena Wada, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. (505/766-2914 or FTS 474-2914).

Authority: The authority citation for this action is 16 U.S.C. 1531-1544.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: February 11, 1992.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 92-7640 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 57, No. 65

Friday, April 3, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Exemption of the South Whitehawk Insect Salvage and Recovery Project, Boise National Forest, ID

AGENCY: Forest Service, USDA.

ACTION: Notification that decisions relating to the rehabilitation and recovery of insect damaged natural resources are exempt from appeal under the provisions of 36 CFR Part 217.

SUMMARY: This is notification that timber salvage harvest, insect baiting and trapping, and reforestation activities to rehabilitate and recover natural resources from recent insect epidemics on the South Whitehawk project area of the Lowman Ranger District on the Boise National Forest are exempt from appeal in accordance with 36 CFR 217.4(a)(11).

EFFECTIVE DATE: Effective on April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Dautis Pearson, Project Leader, Lowman Ranger District, Boise National Forest, HC 77 Box 3020, Lowman, ID 83637. Telephone: 208-259-3361.

SUPPLEMENTARY INFORMATION: Several years of drought in southwest Idaho have reduced soil moisture and weakened conifer trees. Consequently, Douglas-fir beetle, and mountain pine beetle insect populations have dramatically increased and reached epidemic levels on the Boise National Forest. It is estimated that more than 400,000 trees have died on the Forest since 1988 as a result of insect damage.

As part of the effort to rehabilitate and recover timber resources damaged by the insect epidemic, the Lowman Ranger District has developed a proposal to harvest dead and dying timber, bait and trap insects, and reforest damaged areas. The Lowman District has analyzed the South

Whitehawk area and has identified issues, developed alternatives, and analyzed the effects of implementing timber salvage and other recovery activities.

The analysis area for the Environmental Assessment is located 25 miles north of Lowman, Idaho. The area is approximately 9,500 acres in size, with at least 1,100 acres visibly affected by insect mortality at this time. At least 80 percent of the trees occurring in some stands are dead or dying. The Forest will harvest approximately 3.8 million board feet of dead and dying timber in the roaded portion of the Whitehawk and No Man Creek drainages. Five hundred thousand board feet of dead and dying timber will be harvested in the unroaded portion of the Whitehawk Mountain and Deadwood roadless areas. The entire harvest will be conducted using helicopters and there is no road construction proposed for the salvage harvest operations. The Forest proposes reforestation of approximately 350 acres which have been denuded by insects. The Forest also proposes to bait and trap insects within the project area to help break up breeding cycles and reduce future insect populations.

Management direction for the Whitehawk Basin area is established in the Boise National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan provides for the removal of salvage timber from lands within the project area. In addition, the Forest Plan describes standards which must be observed when harvesting timber to protect soil, water, wildlife, visual, and other on-site resources. The proposed action for the South Whitehawk Salvage Sale project is consistent with the standards, objectives, and direction contained in the Forest Plan.

A portion of the South Whitehawk project area which is proposed for salvage harvest includes the Whitehawk Mountain and Deadwood Inventoried Roadless Areas (34 acres and 168 acres, respectively). These roadless areas have been allocated to commercial timber production in accordance with the Forest Plan.

Forest Service entomologist and District foresters have analyzed the insect situation and have found no economical or practical means to control the insect epidemic. Although salvage harvesting, baiting/trapping, and

reforestation will not control the epidemic, these activities will: (1) Reduce fire hazards and fuel loading, (2) help to break up insect breeding cycles, (3) recover valuable timber that would otherwise deteriorate, and (4) reforest those areas which have been left without tree cover as a result of the insect caused mortality. It is extremely important to remove the dead and dying timber prior to deterioration and subsequent value losses. Through the salvage timber sales, fuel treatments can be accomplished, breeding insects can be trapped and removed, and Knutson-Vandenburg (K-V) funds can be generated for use to restore forest resources that have been damaged by the insect epidemic.

The Forest Supervisor has determined, through preliminary scoping and environmental analysis, that there is sufficient justification to expedite this project. The decision will be implemented on publication of this notice in the Federal Register. If the project is delayed because of appeals (delays of up to 150 days are possible), it is likely that the salvage harvest could not be implemented during the 1992 normal operating season. This would result in a loss of volume and value of the timber due to deterioration. The total estimated value of the merchantable dead and dying timber is \$375,000, of which approximately \$93,750 would be returned to the counties from 25 percent fund receipts. Delays resulting from appeals could cause the loss of up to half this value, and potentially make the salvage sale uneconomical for timber purchasers. In addition, a delay in the project would likely reduce the probability of successful area rehabilitation including reforestation, reduction in fuels for wildfires, and local insect population control. Overall, delays from appeals would jeopardize the objectives of the rehabilitation and recovery project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt the South Whitehawk Insect Salvage and Recovery Project, Lowman Ranger District, Boise National Forest, from appeal. The environmental assessment discloses the effects of the proposed action on the environment, and addresses issues resulting from the proposal.

Dated: March 27, 1992.

Clair C. Beasley,

Deputy Regional Forester, Intermountain Region, USDA Forest Service.

[FR Doc. 92-7685 Filed 4-2-92; 8:45 am]

BILLING CODE 3410-11-M

Revised Land and Resource Management Plan for the Caribbean National Forest and Luquillo Experimental Forest; Municipalities of Luquillo, Fajardo, Ceiba, Naguabo, Las Piedras, Canovanas, and Rio Grande, PR

AGENCY: Forest Service, USDA.

ACTION: Revised notice; revised availability dates.

SUMMARY: The Caribbean National Forest is revising the availability dates for the draft and final environmental impact statement being prepared for the proposed Revised Land and Resource Management Plan for the Caribbean National Forest and Luquillo Experimental Forest. The dates are being revised to allow sufficient time to adequately address and analyze the issues identified during the scoping process.

FOR FURTHER INFORMATION CONTACT: Ricardo Garcia, Planning Staff Officer, Caribbean National Forest, Call Box 25000, Rio Piedras, PR 00928-2500, telephone (809) 786-5335.

SUPPLEMENTARY INFORMATION: The notice of intent to prepare an environmental impact statement on the proposed action to revise the Land and Resource Management Plan for the Caribbean National Forest and Luquillo Experimental Forest was published in the *Federal Register* on September 18, 1991 (56 FR 47182-47184), and corrected on October 9, 1991 (56 FR 50847).

The draft environmental impact statement was scheduled to be filed with the Environmental Protection Agency (EPA) and be available for public review by December 1991 and the final environmental impact statement scheduled to be completed by June 1992. The draft environmental impact statement is now expected to be filed with the EPA and to be available for public review by September 1992. The final environmental impact statement is scheduled to be completed by June 1993.

Dated: March 27, 1992.

Marvin C. Meier,

Deputy Regional Forester.

[FR Doc. 92-7684 Filed 4-2-92; 8:45 am]

BILLING CODE 3410-11-M

Oil and Gas Leasing EIS, Shoshone National Forest, Park and Fremont Counties, Wyoming

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: The Shoshone National Forest, Wyoming, announced (56 FR 14682, April 11, 1991) its intent to prepare an environmental impact statement (EIS) on oil and gas leasing for the Forest. A draft EIS was to have been completed by December 1991, and offered for a comment period of 90 days. A revised notice of intent was issued on December 20, 1991 which changed the comment period to 45 days. The current notice of intent expresses two revisions for the EIS analysis being conducted: (1) To reinstate the 90 day comment period; and (2) to incorporate the analysis of lands available for leasing in order to make a forestwide "availability" decision in accordance with 36 CFR 228.102(d) of the leasing regulations.

A minimum 45 day comment period is permitted under the National Environmental Policy Act (NEPA) regulations. However, National Forest Management Act (NFMA) regulations require a 90 day comment period for a significant amendment to a forest plan. At the present time, it is not known if a significant amendment will result from this EIS. The NFMA significance will be evaluated through examination of public comment and review of environmental consequences as a decision is approached. Since the final decision may result in a significant amendment, it is appropriate to allow 90 days for public comment.

The Shoshone Forest Plan, issued prior to the 1987 Onshore Oil and Gas Leasing Reform Act, stated that the availability of lands for leasing included all acres outside of: Designated wilderness; the Clarks Fork Wild and Scenic River Corridor; the High Lakes Wilderness Study Area; the Dunoir Special Area; the Beartooth Highway Withdrawal; Grizzly Bear Situation 1 lands; and Research Natural Areas. The new leasing regulations promulgated under the 1987 Act define "lands unavailable for leasing analysis" in a way that includes all the above, excepting Grizzly Situation 1 lands and Research Natural or Special Interest Areas (RNA's and SIA's) which have not been legally withdrawn on the Shoshone National Forest.

The original Notice of Intent stated that reanalysis would be accomplished to make an availability decision only on 66,650 acres of Grizzly Bear

Management Situation 1 lands and a leasing decision on those lands and the remaining lands made available in the Forest Plan.

Although the 1986 Forest Plan decision was made prior to the new leasing regulations, the availability decision was effectively grandfathered by a discussion in the preamble to the new regulations. Based on the language in the regulations, leasing decisions tiered to the Forest Plan have been in conformance with the regulations and have been correct. Prior to this notice, our analysis was being conducted in a manner identical to that required for the availability decision in the regulations, with the exception of about 2,030 acres in Research Natural and Special Interest Areas. This notice advises that our process will incorporate the additional 2,030 acres as available for analysis, and will re-evaluate availability, forest-wide.

In all other respects, the lands made unavailable under the Forest Plan correspond to lands unavailable for analysis under the regulations. The regulations carry a requirement to evaluate different alternatives for lands made available for leasing. The Forest's analysis procedure meets this requirement.

FOR FURTHER INFORMATION CONTACT: Bob Rossman, Interdisciplinary Team Leader, (307) 527-6241. Shoshone National Forest, P.O. Box 2140, Cody, WY 82414.

Dated: March 28, 1992.

Barry Davis,

Forest Supervisor.

[FR Doc. 92-7646 Filed 4-2-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE
Forest Service

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

Alaska Federal Subsistence Board;
Meetings

AGENCY: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

DATES: April 6-10 1992.

TIME AND PLACE: 8:30 a.m. each morning at the Sheraton Hotel, Anchorage, Alaska.

SUMMARY: This notice hereby informs the public of the Federal Subsistence Board meeting to be held April 6-10, 1992. The public is invited to attend and participate in the proceedings. Public testimony will be accepted at this meeting. A substantive portion of each meeting will be open to the public;

however, some of the meeting may be closed to the public.

SUPPLEMENTARY INFORMATION:

Portions of Meeting Open to the Public: The Board will discuss business relative to management of the Federal subsistence management program on Federal public lands. The major categories to be discussed include:

- Correspondence to the Board.
- Federal subsistence seasons and bag limits and methods and means for the 1992-1993 regulatory year.
- Other.

Portions of Meeting Closed to the Public: If needed, the Board will discuss business relative to management of the Federal Subsistence Board activities.

FOR FURTHER INFORMATION CONTACT:

Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3467 or Norman Howse, Assistant Director, Subsistence, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802-1628; telephone (907) 586-8890.

Curtis V. McVee,
Chairman, Federal Subsistence Board.
[FR Doc. 92-7695 Filed 4-2-92; 8:45 am]

BILLING CODES 3410-11-M; 4310-55-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-508-602]

Final Results of Antidumping Duty Administrative Reviews: Oil Country Tubular Goods From Israel

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

EFFECTIVE DATE: April 3, 1992.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane or Carole A. Showers, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 377-2815 or (202) 377-3217, respectively.

FINAL RESULTS:

Background

On December 23, 1991, the Department of Commerce (the Department) published in the *Federal Register* the preliminary results of these administrative reviews of the antidumping duty order on oil country tubular goods from Israel (56 FR 66430). The Department has now completed these administrative reviews in

accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

These reviews cover one manufacturer/exporter, Middle East Tube Company (METCO), of oil country tubular goods for the periods of March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991.

Scope of Review

The products covered by this review are oil country tubular goods (OCTG) which are hollow steel products of circular cross section intended for use in drilling for oil or gas. These products include oil well casing and tubing of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or non-API (such as proprietary) specifications.

OCTG is classifiable under Harmonized Tariff Schedule of the United States (HTS) subheadings 7304.20.20, 7304.20.40, 7304.20.50, 7304.20.60, 7304.20.70, 7304.20.80, 7304.39.00, 7304.59.60, 7304.59.80, 7304.31.40, 7306.20.20, 7306.20.30, 7306.20.60, 7306.20.80, and 7306.30.50. Since many of the HTS statistical reporting numbers applicable to OCTG changed during the two review periods, we are including, in addition to the subheadings, all of the statistical reporting numbers that applied to OCTG at any time during these review periods. During the review periods of March 1, 1989, to February 28, 1990, and March 1, 1990, to February 28, 1991, OCTG was included under HTS statistical reporting numbers 7304.20.2000, 7304.20.4000, 7304.20.5010, 7304.20.5050, 7304.20.6010, 7304.20.6050, 7304.20.7000, 7304.20.8000, 7304.39.0025, 7304.39.0040, 7304.39.0050, 7304.39.0060, 7304.39.0070, 7304.39.0075, 7304.39.0090, 7304.59.8000, 7304.59.8000, 7304.31.4000, 7306.20.2000, 7306.20.3060, 7306.20.6010, 7306.20.6050, 7306.20.8010, 7306.20.8050, 7306.30.5040, 7306.30.5050, 7306.30.5055, 7306.30.5060, 7306.30.5065, 7306.30.5070, 7306.30.5075, 7306.30.5080, 7306.30.5085, and 7306.30.5090. Although the HTS subheadings and statistical reporting numbers are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Products referred to as "drill pipe" are not included within the scope of these reviews. (See *Oil Country Tubular Goods from Israel; Initiation of Antidumping Duty Investigation* (51 FR 11963, April 8, 1986); *Final Determination of Sales at Less than Fair Value; Oil Country Tubular Goods from Israel* (52 FR 1511, January 17, 1987); and *Amended Antidumping Duty Order; Oil Country Tubular Goods from Israel* (53 FR 29370, April 8, 1988)). Drill pipes are

lengths of heavy, seamless, round tubing with special threaded connectors called tool joints, conforming to API specification 5D for drill pipe. Individual pipe lengths are normally 30 feet or more in length.

Period of Reviews

These final results cover the review periods March 1, 1989, to February 28, 1990, and March 1, 1990, to February 28, 1991. For the period March 1, 1989, to February 28, 1990, METCO made no shipments of the subject merchandise to the United States. For the subsequent period, METCO shipped the subject merchandise for export to the United States.

United States Price

For the review period March 1, 1990, to February 28, 1991, we based United States price on purchase price methodology, as set forth in the preliminary results.

Foreign Market Value

In calculating foreign market value (FMV), the Department used constructed value, as set forth in the preliminary results.

Interested Party Comments

We invited interested parties to comment on the preliminary results of these administrative reviews. We received a case brief from respondent and a rebuttal brief from petitioner. We held a public hearing on February 20, 1992.

Comment 1

Respondent claims that, in calculating material costs, the Department should simply use the U.S. dollar amount paid by METCO on purchases of raw materials from a foreign supplier rather than convert this dollar amount to new Israeli shekels (NIS) at the rate in effect when the goods were produced and then, for purposes of calculating the overall constructed value, reconvert the NIS amount back to dollars at the rate in effect on the date of sale. If, however, the Department continues to convert the U.S. dollar raw material cost to NIS and to reconvert the overall NIS constructed value amount back to dollars, it should use a single exchange rate for these currency conversions, the rate in effect on the date of the sale. Using the rate in effect as of the date of sale is in accord with long standing Department practice.

Petitioner claims that the Department's use of two different exchange rates in calculating constructed value is correct, because the U.S. dollar had a greater value when the

goods were produced as opposed to when they were sold. METCO had to spend more NIS for dollars used to purchase its raw materials than it would have spent had the materials been purchased at the time of sale.

DOC Position

We agree with respondent. METCO incurred its raw material costs in U.S. dollars, rather than in NIS. Given the limited number of transactions in this review, we were able to leave these costs in U.S. dollars. Therefore, for these final reviews, the Department used the raw material costs, as expressed in U.S. dollars, to calculate the constructed value of the subject merchandise and did not make any currency conversion with respect to these costs.

Comment 2

Respondent claims that the interest expense incurred on loans which METCO received from Koor Industries Ltd. (Koor), METCO's parent, reflects the interest expense that METCO would have incurred in an arm's length transaction and should be used in calculating METCO's interest expense for the period. Respondent claims that the interest expense on loans from Koor was comparable to that incurred on similar loans from unrelated parties and, therefore, should be used by the Department, even though METCO and Koor are related.

Petitioner claims that the Department's usual practice is to disregard transactions, including loan transactions, between related parties. Further, given the fungible nature of a corporation's capital resources, including debt, the Department's practice is to use the consolidated interest expense of the parent as a percent of the total operating expense of the consolidated corporation in calculating interest expense for constructed value.

DOC Position

We agree with petitioner. Although the loans received by METCO from its parent company, Koor, may have reflected arm's length interest rates, the Department recognizes the fungible nature of the corporation's capital structure, i.e., the corporation is flexible in funding its operation through either debt or equity. Therefore, we have used the consolidated interest expense of the corporation as a percent of consolidated cost of sales. See, e.g., Color Television Picture Tubes from Japan (52 FR 44171, November 18, 1987) and Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other than Tapered Roller Bearings) or Parts

Thereof from Japan (54 FR 19101, May 3, 1989).

Comment 3

Respondent claims that evidence exists on the record documenting the fact that the management fee paid by METCO to Koor was actually a dividend paid by the subsidiary to the parent. Therefore, the management fee should not be included in constructed value because dividends are not a part of the constructed value.

Petitioner states that METCO has failed to supply documentary evidence sufficient to overcome the plain evidence contained in METCO's audited annual report indicating that METCO paid a management fee to the parent company. Thus, the Department should view the management fee as a general expense and include it in the constructed value.

DOC Position

We agree with petitioner. METCO's and Koor's audited annual reports indicate that the payment in question was described as a management fee expense, and as income from an administrative service, respectively. Since the audited financial statements appearing in the annual reports of these companies carry considerable weight as reliable presentations of the operating results of the companies, we have accepted the descriptions contained in these reports rather than the claims made by Koor for purposes of the submission.

Comment 4

Respondent claims that in computing raw material costs, the Department should use METCO's average production yield in producing OCTG rather than the production yield realized in producing the one shipment of OCTG currently under review. Respondent states that when METCO set the price for OCTG sold for export to the United States, the company calculated raw material costs based on an average production yield because the actual yield was not known at that time. Therefore, the Department should also use the average yield in computing the constructed value. This approach is consistent with *Ipsco, Inc. v. United States*, 687 F. Supp. 633, 638 (Ct. Int'l Trade 1988), which held that the Department should use ordinary or typical costs in calculating constructed value. However, if the Department chooses to use the actual production yield realized in producing the OCTG under consideration, then consistency requires that it must also calculate income from the sale of scrap based on

the actual rather than the average yield. Further, respondent claims that the Department may not arbitrarily assume that a percentage of the scrap is not recoverable. No evidence exists on the record to support this assumption.

Petitioner claims that the Department's practice is to use actual yield where it is available. In this case, actual yield was available and the Department acted in accord with its past practice and used actual yield in determining raw material costs.

Petitioner further claims that METCO's scrap credit calculations are based on a weighted-average selling price for scrap and on its average scrap yield. Therefore, the Department must base its scrap value calculations on the best information available, which is the actual yield and average scrap value reported in the response.

DOC Position

We agree with petitioner. The average production yield, which respondent claims should be used to calculate material costs, is based on all pipe products produced by METCO, including nonsubject merchandise. The actual yield realized in producing the merchandise under review applied only to the OCTG produced for the instant shipment. We have used the actual yield as a more accurate reflection of the production yield for OCTG.

As for the value of the scrap generated in producing the OCTG under review, the Department calculated the scrap value using the actual yield and the average selling price for scrap. There was no evidence on the record which indicated that not all of the scrap generated was recoverable.

Comment 5

Respondent claims that interest savings attributed to liberal payment terms granted by its raw material supplier should be reflected as a reduction in raw material costs.

Petitioner states that consistent with the Final Determination of Sales at Less Than Fair Value: Oil Country Tubular Good From Israel (52 FR 1649, January 15, 1987), the Department has correctly taken into account the effect of credit terms extended to METCO in its calculation of the net financing expense.

DOC Position

We agree with petitioner. We consider the cost of raw materials to be the price reflected in the supplier's invoice and paid by METCO. Liberal payment terms from a supplier are, on the other hand, reflected in the company's accounts as a reduction in

interest expenses incurred. The Department took into account any effect of the liberal credit terms by using the actual financing expenses incurred by the corporation.

Comment 6

Respondent claims that in making a circumstance of sale adjustment for credit expenses incurred by METCO in extending credit to its U.S. buyer, the Department should use a U.S. interest rate if that rate is lower than the interest rate in the home market. This approach in selecting an interest rate is in accord with *United Engineering and Forging v. United States, No. 91-101, slip op. at LEXIS page 36-37* (1991 Ct. Int'l Trade LEXIS 380) (*United Engineering*).

Petitioner states that it is correct to use the actual interest rate paid by METCO on its borrowing to finance the acquisition of raw materials. METCO had no borrowings in the United States but did have other borrowings. The court case cited by METCO, *United Engineering*, concerned a company that had no short-term borrowings and is, therefore, not applicable here.

DOC Position

We agree with petitioner. In the court case cited by respondent, the foreign producer had no short-term loans outstanding during the period. In this administrative review, METCO not only had short-term borrowing listed in its response, but it also indicated the short-term interest rate which it used to compute interest expense associated with credit terms granted on the U.S. sale. We, therefore, considered use of these actual expenses to be appropriate in making the circumstance of sale adjustment, rather than the hypothetical expenses METCO would have incurred had it been able to obtain financing in the United States.

Comment 7

Respondent claims that, in calculating clearing expenses on an incoming shipment of raw materials, the Department should use the NIS shipment value appearing on the freight forwarder's invoice rather than by deriving a cost for these expenses based on other information.

DOC Position

We agree. Although we originally calculated wharfage and other clearing expenses as a percent of the value of the raw materials, the ultimate calculation of constructed value for these final results was based on the amount appearing on the freight forwarder's invoice because the freight forwarder

actually calculated freight charges based on this amount.

Comment 8

Respondent claims that calculation of the statutory eight percent profit should be based on a materials, labor, and general expense figure which does not include imputed credit costs added to the constructed value as a circumstance of sale adjustment.

Petitioner states that the Department acted in accordance with its past practice in making imputed credit expenses a part of the constructed value. In Final Determination of Sales at Less than Fair Value: Certain Valves and Casings, of Brass, for Use in Fire Protection Systems from Italy (55 FR 8971, March 9, 1990), the Department applied the profit percent to "the total of production values which included selling and imputed credit expenses."

DOC Position

We agree with petitioner. In calculating constructed value, the Department followed its practice of including imputed credit costs in the constructed value and reducing net financing expenses by an amount attributed to maintaining accounts receivable to avoid double counting imputed credit. (See, e.g., Final Determination of Sales at Less Than Fair Value: Certain All-Terrain Vehicles From Japan, Comment 7 (54 FR 4864, January 31, 1989)). The Department then computed the eight percent profit amount based on the cost of materials, labor, and general expenses, including the adjustment for imputed credit costs.

Comment 9

Respondent claims that the Department incorrectly included inland freight costs incurred in shipping finished products in the general expense category in calculating the constructed value.

Petitioner states that nothing in the record supports respondent's claim that the general expenses used by the Department in calculating constructed value included freight costs for shipping finished products.

DOC Position

We agree with respondent. METCO reported the amount of freight expenses included in its selling, general and administrative expenses. Selling, general and administrative expenses as reflected on a company's financial statements generally include movement expenses such as freight. See, e.g., Final Determination of Sales at less than Fair Value: Shiptowels from Bangladesh (57 FR 3996, February 3, 1992). Therefore,

general and administrative expenses used in calculating constructed value for these final results were revised to remove freight expenses.

Final Results of the Reviews

Based on our final analysis, we determine that the following weighted-average margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
METCO.....	3/1/89-2/28/90	*11.96
All others.....	3/1/89-2/28/90	*11.96
METCO.....	3/1/90-2/28/91	15.72
All others.....	3/1/90-2/28/91	15.72

*No shipment during the period of review; margin taken from the less than fair value investigation.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Custom Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of these administrative reviews for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for METCO will be 15.72 percent; (2) if the exporter is not a firm covered by these reviews or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (3) the cash deposit rate for all other manufacturers or exporters who are not covered in this or prior administrative reviews and who are unrelated to the reviewed firm will be 15.72 percent. This rate represents the rate for METCO determined in the 1990/91 administrative review. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility to file a certificate regarding the reimbursement of a antidumping duties pursuant to 19 CFR 353.26 prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5)).

Dated: March 27, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7734 Filed 4-2-92; 8:45 am]

BILLING CODE 3510-DR-M

[A-570-815]

Postponement of Final Antidumping Duty Determination and Rescheduling of Public Hearing: Sulfanilic Acid From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Mary Jenkins or Brian Smith, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at (202) 377-1756 or 377-1766, respectively.

Postponement of Final Determination

On March 20, 1992, Sinochem Hebei Branch, the respondent in this proceeding, requested that the Department postpone the final determination until not later than 108 days after the date of the preliminary determination, in accordance with section 735(a)(2) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673(a)(2)). The respondent accounts for a significant proportion of exports of the subject merchandise from the People's Republic of China ("PRC") to the United States. Pursuant to 19 CFR 353.20(b), if exporters who account for a significant proportion of exports of the merchandise under investigation request an extension subsequent to an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request.

Accordingly, we are postponing our final determination as to whether sales of sulfanilic acid from the PRC have been made at less than fair value until not later than June 26, 1992.

Public Comment

We are rescheduling the public hearing announced in the Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the People's Republic of China, 57 FR 9404 (March 18, 1992), to June 12, 1992, at 10 a.m. at the U.S. Department of

Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours prior to the scheduled time. Consequently, in accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must now be submitted to the Assistant Secretary no later than June 5, 1992, and rebuttal briefs no later than June 10, 1992. Oral presentations will be limited to issues raised in the briefs in accordance with 19 CFR 353.38(b).

This notice is published pursuant to section 735(d) of the Act and 19 CFR 353.20(b)(2).

Dated: March 27, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7735 Filed 4-2-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Permits; Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of an experimental fishing permit application and request for comments.

SUMMARY: This notice announces receipt of an application for an experimental fishing permit (EFP) to harvest shortbelly rockfish, primarily in the Monterey Management Subarea off the coast of California. If granted, this permit would allow fishing that otherwise would be prohibited by Federal regulations. This action is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) and implementing regulations.

DATES: Comments on this application must be received by May 4, 1992.

ADDRESSES: Send comments to E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Boulevard, suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Rodney McInnis, 310-980-4040 or Svein Fougner, 310-980-4034.

SUPPLEMENTARY INFORMATION: The FMP and implementing regulations at 50 CFR part 663 specify that EFPs may be issued to authorize fishing that would otherwise be prohibited by the FMP and regulations. The procedures for issuing EFPs are contained in the regulations at 50 CFR 663.10.

An EFP application has been accepted for review and copies have been forwarded to the Pacific Fishery Management Council (Council), the U.S. Coast Guard, and the directors of the fishery management agencies for the State of California, Oregon, Washington, and Idaho.

The applicant proposes to harvest shortbelly rockfish off the coast of California in the Monterey Management Subarea. Fishing operations would take place during the fourth quarter of the year with pelagic and non-pelagic gear incorporating double-wall codends, which are not consistent with present regulations.

The application will be discussed at the April 7-10, 1992, public meeting of the Council, which will be held at the Clarion Hotel-San Francisco Airport. The decision on whether to issue an EFP and determinations on appropriate permit conditions will be based on a number of considerations, including recommendations made by the Council and comments received from the public. A copy of the application is available for review at the NMFS Southwest Regional Office, (see **ADDRESSES**). (16 U.S.C. 1801 *et seq.*)

Dated: March 30, 1992.

David S. Crustin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-7704 Filed 4-2-92; 8:45 am]

BILLING CODE 3510-22-M

Permits; Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of an experimental fishing permit application and request for comments.

SUMMARY: This notice announces receipt of an application for an experimental fishing permit (EFP) to delay sorting of salmon caught in trawl nets incidental to the Pacific whiting fishery in the exclusive economic zone off the coasts of Washington, Oregon, and California. If granted, this permit would allow fishing practices that otherwise would be prohibited by Federal regulations. This action is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) and implementing regulations.

DATES: Comments on this application must be received by April 13, 1992.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest

Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206-526-8140; or Rodney R. McInnis, 310-980-4040.

SUPPLEMENTARY INFORMATION: The FMP implementing regulations at 50 CFR part 663 specify that EFPs may be issued to authorize fishing that would otherwise be prohibited by the FMP and regulations. The procedures for issuing EFPs are contained in the regulations at 50 CFR 663.10. An EFP application from the states of Oregon, California, and Washington to delay the sorting of salmon from mid-water trawl catches of Pacific whiting delivered shoreside was received on March 23, 1992. The purpose of the EFP is to allow the States to monitor the bycatch of salmon in the Pacific whiting fishery. Current groundfish regulations at 50 CFR 663.7(b) and 661.5(a)(2) prohibit retention of salmon caught with a net and require that salmon taken in trawl nets be immediately returned to the ocean. The EFP would contain the names of those vessels for which it is valid. Before the EFP is issued, the States would specify which vessel would be covered by the permit. An EFP, if granted, would authorize vessels to land unsorted Pacific whiting at designated shoreside processing plants where the incidence of salmon bycatch can be monitored. The bycatch of salmon by vessels delivering Pacific whiting to offshore processors and catcher/processor vessels is monitored under a voluntary at-sea observer program.

The States anticipate that up to 70 vessels may participate in the experimental fishery from April 15, 1992, when the fishery opens, to about November 1992, if fish are still available that late in the year. Unsorted Pacific whiting catches will be delivered to shoreside processing plants in Newport, Astoria and Charleston, Oregon; Eureka and Crescent City, California; and Ilwaco, Washington. State port samplers will monitor the offloading of unsorted Pacific whiting, collect biological information on salmon taken, and arrange for the disposal of salmon. Salmon taken will not be sold; disposal options, to be determined by the States, include donation to charitable organizations or reduction to fish meal.

The amount of target species, Pacific whiting, that may be delivered to shoreside processing plants under this

EFP could be as much as 110,000 metric tons. The number of incidentally caught salmon may range from 220 to 3,520 fish based on the salmon bycatch rates observed in 1991. The development of this shoreside monitoring program and application for an EFP is being pursued by the States at the request of the Pacific Fishery Management Council (Council) at its March 1992 public meeting.

The application will be discussed at the April 7-10, 1992, public meeting of the Council in San Francisco, California. The decision on whether to issue an EFP and determinations on appropriate permit conditions will be based on a number of considerations, including recommendations made by the Council and comments received from the public. A copy of the application is available for review at the NMFS, Northwest Regional Office, (see **ADDRESSES**).

(16 U.S.C. 1801 *et seq.*)

Dated: March 30, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-7705 Filed 4-2-92; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Addition

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons with severe disabilities.

EFFECTIVE DATE: May 4, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: On November 22, 1991, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (56 FR 5882) of proposed addition to the procurement list.

Comments were received from the current contractor for this service. The contractor stated that many of its employees are the chief wage earners for their families and that some,

including one person with a physical disability, had been unable to find employment elsewhere. The contractor expressed concern that its employees might not find employment at comparable salaries if the service is added to the procurement list.

The contractor also noted that it had held the contract for ten years and alleged annual cost savings over what the Government had spent to clean the building with its own employees.

The Committee took the contractor's record in performing this service into account in reaching its conclusion that loss of this contract would not constitute severe adverse impact on the contractor. The Committee considers that the possibility that some of the contractor's employees may be unable to find employment at comparable salaries is outweighed by the fact that addition of this service will provide employment for persons with severe disabilities, a group which has a very high unemployment rate. In addition, the Committee has received information indicating that three of the five employees at the Federal Building are part-time workers, and one of the three has another job.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the service at a fair market price and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the procurement list: Janitorial/Custodial, Federal Building

and U.S. Courthouse, 515 West First Street, Duluth, Minnesota.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,
Deputy Executive Director.

[FR Doc. 92-7736 Filed 4-2-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 4, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT:
Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 17, February 7 and 21, 1992 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (57 FR 2081, 4749, 6215) of proposed additions to the procurement list.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodity and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity or services to the Government.

2. The action will not have a severe

economic impact on current contractors for the commodity or services.

3. The action will result in authorizing small entities to furnish the commodity or services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity or services proposed for addition to the Procurement List.

Accordingly, the following commodity and services are hereby added to the procurement list:

Commodity

Dressing, First Aid, Field Training, 6510-01-336-6192.

Services

Grounds Maintenance, Fleet Combat Training Center, Atlantic, Dam Neck, Virginia Beach, Virginia.

Janitorial/Custodial, Pearl Harbor Commissary, Barbers Point Commissary, Hawaii.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,
Deputy Executive Director.

[FR Doc. 92-7737 Filed 4-2-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 4, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT:
Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the

proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the procurement list:

Commodities

Towbar Pin Assembly, 5120-00-NSH-0001 (Part No. 7551074), 5120-00-NSH-0002 (Part No. 7551077), (Requirements for the Watervliet Arsenal, New York).

Services

Grounds Maintenance, DOD Housing Facility, Novato, California.

Grounds Maintenance, Point Molate Housing Facility, Richmond, California.

Janitorial/Custodial, U.S. Post Office & Courthouse, 301 W. Monroe Street, Jacksonville, Florida.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 92-7738 Filed 4-2-92; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF EDUCATION

[CFDA 84.060A]

Indian Education Program; Formula Grants, Local Educational Agencies

ACTION: Notice of extension of closing date for transmittal of applications for new awards for fiscal year 1992 under the Formula Grant Program, Indian Education Act of 1988, subpart 1.

SUMMARY: On September 20, 1992, a notice inviting applications for new awards for fiscal year (FY) 1992 for the Formula Grant Program under the Indian Education Act of 1988, subpart 1, was published in the *Federal Register* (56 FR 47745). That notice provided detailed information concerning this program.

This notice extends the deadlines for transmittal of applications and for intergovernmental review as originally established in the September 20, 1991 notice.

The deadline for transmittal of applications is extended from December 3, 1991 to April 27, 1992, and the deadline for intergovernmental review is extended from February 1, 1992 to June 26, 1992.

Applications not meeting the deadline will not be considered for funding in the initial allocation of awards.

Applications not meeting the deadline may be considered for funding if the Secretary determines, under section 531(b) of the Indian Education Act, that funds are available and that reallocation of funds to those applications would best assist in advancing the purposes of the program. However, the amount and date of an individual award, if any, made under section 531(b) of the Act may not be the same as would have been the case had the application been submitted on time.

FOR APPLICATIONS OR INFORMATION

CONTACT: Sandra Spaulding, U.S. Department of Education, 400 Maryland Avenue, SW., room 2177, Washington, DC 20202-6335. Telephone: (202) 401-1907 (FTS 441-1907). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 25 U.S.C. 2601-2606, 2651.

Dated: March 27, 1992.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education

[FR Doc. 92-7683 Filed 4-2-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Availability of Draft Environmental Impact Statement, Lawrence Livermore National Laboratory/Sandia National Laboratories, Livermore

AGENCY: U.S. Department of Energy.

ACTION: Notice of availability of draft environmental impact statement/environmental impact report (EIS/EIR) and notice of public hearing.

SUMMARY: In accordance with the regulations of the Council on Environmental Quality, the Department of Energy (DOE) announces the availability of a Draft EIS (DOE/EIS-0157) on continued operation of Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, CA (LLNL/SNL, Livermore), including near-term (within 5 to 10 years) proposed projects. DOE's EIS is integrated with the University of California's (UC) EIR for the University's renewal of its management contract for LLNL. Comments on the Draft EIS/EIR are invited from interested persons, organizations, and agencies. A public hearing is scheduled to be held in Livermore, CA.

Individuals and organizations who would like to present oral comments at the public hearing should register in advance by calling the EIS/EIR project office at the phone number below by the close of business the day before the hearing. Registration the day of the hearing will be accommodated as time permits.

Written comments submitted in support of or in place of oral statements presented at the public hearing should be sent to the address below and postmarked by June 11, 1992, to assure consideration in the preparation of the Final EIS/EIR. Comments postmarked after that date will be considered to the extent practicable. Oral and written comments will be given the same consideration.

DATES: Written comments should be submitted by June 11, 1992. The public hearing will be held on Thursday, April 30, 1992 at the Holiday Inn, 720 Las Flores Road, Livermore, CA, from 1 p.m. to 9 p.m.

ADDRESSES: Written comments should be directed to: EIS/EIR Project Managers, ATTN: Draft EIS/EIR Comments, Lawrence Livermore National Laboratory, EIS/EIR Project Office L-615, P.O. Box 808, Livermore, CA 94551.

Requests for copies of the Draft EIS/EIR, requests to present oral comments at the public hearing, and requests for

further information should be directed to: B.J. Barringer, EIS/EIR Project Public Affairs, Lawrence Livermore National Laboratory, P.O. Box 808, L-615, Livermore, CA 94551, toll free (in northern California) at 1-800-221-9005, or at (510) 373-8702.

For general information on the DOE EIS process contact Carol M. Borgstrom, Director, Office of NEPA Oversight (EH-25), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, at (202) 586-4600 or toll free at 1-800-472-2756.

The public hearing will be held April 30, 1992 at the Holiday Inn, 720 Las Flores Road, Livermore, CA, from 1 p.m. to 9 p.m.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the Atomic Energy Act of 1954, as amended, the U.S. Department of Energy (DOE) is responsible for nuclear weapons research and design, as well as other energy research and development. DOE's Lawrence Livermore National Laboratory (LLNL) and Sandia National Laboratories, Livermore (SNL, Livermore) undertake research and development missions established by the Congress and the President.

The LLNL mission is to serve as a national resource of scientific, technical and engineering capability with a special focus on national security. This mission includes research and development, strategic defense, arms control and treaty verification technology, energy, the environment, biomedicine, the economy, and education.

Although the primary mission of SNL, Livermore is national security, with principal emphasis on development and engineering of non-nuclear systems and components associated with nuclear weapons, SNL, Livermore has evolved into a multiprogram laboratory undertaking a wide variety of research and development activities. These activities range from national security issues to support of the national energy program.

LLNL and SNL, Livermore are adjacent sites about 40 miles east of San Francisco in the Livermore Valley, adjacent to the city of Livermore. The sites occupy a combined area of 1.9 square miles. LLNL's Site 300 is a non-nuclear high explosive test site located about 15 miles southeast of LLNL Livermore site between Livermore and Tracy, California. The University of California manages both LLNL sites under a contract with DOE.

The DOE published a notice of intent (55 FR 41048) on October 5, 1990 announcing its intent to prepare an EIS on the operations of LLNL/SNL, Livermore in conjunction with UC's EIR. The Notice of intent indicated that one document, entitled an EIS/SEIR, would be produced and that public involvement in the review and comment process would be handled as one process serving both statutes.

The DOE received 282 written and oral comments on the proposed scope of the EIS/EIR. The scoping process also included a public meeting in Livermore, CA, on November 15, 1990. Comments at the meeting were documented through a transcript. Both oral and written comments were considered in the preparation of the Draft EIS/EIR.

In accordance with DOE guidelines for implementing NEPA (52 FR 47662; December 15, 1987), DOE prepared an implementation Plan that provides a record of the public scoping process and a summary of issues to be addressed in the EIS/EIR. The Implementation Plan describes the proposed action, alternatives to the proposed action, and environmental impact issues that will be addressed in the EIS/EIR. In September, 1991, the availability of the plan was announced and copies were placed in DOE reading rooms and public libraries (listed below under "Comment Procedures") for the public to review.

DOE's proposed action for the purposes of the EIS is the continued operation of LLNL/SNL, Livermore, including near-term (within 5 to 10 years) proposed projects. This EIS addresses only those LLNL and SNL, Livermore operations within California. The LLNL Livermore site, LLNL Site 300, several offsite properties leased by LLNL, and SNL, Livermore.

DOE's site-wide EIS is integrated with UC's EIR. UC's EIR is required under the California Environmental Quality Act for UC's proposed renewal of its management contract for LLNL. UC's proposed action for the EIR is the renewal of the contract between DOE and UC for UC's continued operation and management of LLNL from October 1, 1992 through September 30, 1997.

The Draft EIS/EIR addresses reasonable alternatives to the proposed action. DOE's EIS alternatives are:

- No action (i.e., continued operation of authorized facilities and projects of LLNL and SNL, Livermore at present (FY 1992) levels.
- Shutdown and decommissioning (i.e., phase out of all research and development operations at LLNL and SNL, Livermore).
- Modification of operations (i.e., modify LLNL and SNL, Livermore

operations, including near-term (within 5 to 10 years) proposed projects, to reduce adverse environmental impacts).

CU's alternative is discontinuing UC management of LLNL.

The Draft EIS/EIR identifies and analyzes the potential environmental consequences of the proposed action and alternatives. Impacts are examined to identify and analyze mitigation measures.

II. Floodplains/Wetlands Assessment

In accordance with DOE regulations for compliance with floodplains/wetlands environmental review requirements (10 CFR part 1022), DOE has prepared a floodplain/wetlands assessment for the proposed action and the alternatives that is included in the Draft EIS/EIR. Any comments regarding the impacts of the proposed action and the alternatives on floodplains and wetlands may be submitted to DOE in accordance with the procedures described below.

III. Comment Procedures

A. Availability of Draft EIS/EIR

Copies of the Draft EIS/EIR have been distributed to Federal, State, and local agencies; elected officials; and organizations, environmental groups, and individuals known to be interested in or affected by the proposed project. Additional copies of the Draft EIS/EIR may be obtained by contacting the EIS/EIR Project Managers at the address given above.

Copies of the Draft EIS/EIR and pertinent supporting documents are available for inspection at the nine reading rooms and libraries listed below. Two of the nine locations, the Livermore Public Library and UC Berkeley Library, are reference libraries that contain expanded document collections. These two reference libraries contain copies of all documents cited in the EIS/EIR and copies of LLNL studies and reports reviewed during the preparation of the EIS/EIR. Document indices have been placed in each location. Interested persons should contact the individual facility for current hours of operation.

1. DOE Reading Rooms

- DOE Freedom of Information Reading Room Room 1E-190, U.S. DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-5955.

- DOE Reading Room, San Francisco Field Office, 1333 Broadway, 6th Floor, Oakland, CA 94612, (510) 273-4429.

2. Public Libraries

- Dublin Library, 7606 Amador Valley Blvd., Dublin, CA 94568, (510) 828-1315.
- Livermore Public Library, 1000 So. Livermore Ave., Livermore, CA 94550, (510) 373-5500.
- Pleasanton Public Library, 400 Old Bernal Avenue, Pleasanton, CA 94566, (510) 462-3535.
- LLNL Visitor Center, East Entrance, Greenville Rd., Livermore, CA 94550, (510) 422-9797.
- Sandia National Laboratories, Livermore Reading Room, Building 911 Lobby, 7011 East Avenue, Livermore, CA 94551, (510) 294-2447.
- Tracy Public Library, 20 East Eaton Avenue, Tracy, CA 95376, (209) 835-2221.
- UC Berkeley, Charles F. Doe Library, Government Documents Section, 350 Main Library Annex, Berkeley, CA 94740, (510) 642-2569.

B. Written Comments

Interested parties are invited to provide comments on the content of the Draft EIS/EIR at the following address: EIS/EIR Project Managers, ATTN: Draft EIS/EIR Comments, Lawrence Livermore National Laboratory, EIS/EIR Project Office, L-615, P.O. Box 808, Livermore, CA 94551. Comments should be postmarked no later than June 11, 1992 to ensure consideration in preparing the final EIS/EIR. Comments postmarked after June 11, 1992 will be considered to the extent practicable.

C. Public Hearing

1. Participation Procedures

The public is also invited to provide comments on the Draft EIS/EIR to the DOE and UC in person at the scheduled public hearing, the only purpose of which is to receive comments related to the Draft EIS/EIR. The hearing will not be a judicial or evidentiary-type hearing.

Advance registration for presentation of oral comments at the hearing will be accepted until the day before the hearing date at the EIS/EIR Project Office at the phone number listed above. Requests to speak at a specific time will be honored, if possible. Registrants are to register only themselves and must confirm the time they are scheduled to speak at the registration desk the day of the hearing. Persons who have not registered in advance may register to speak the day of the hearing to the extent time is available. To ensure that as many persons as possible have the opportunity to present oral comments, 5 minutes will be allotted to each speaker. Persons presenting comments at the hearing are requested to provide written

copies of their comments at the hearing, if possible.

2. Hearing Schedule and Location

The hearing will be held on Thursday, April 30, 1992 at the following location: Holiday Inn, 720 Las Flores Road, Livermore, CA 94550. The hearing will be held from 1 p.m. to 9 p.m.

3. Conduct of Hearing

Procedures for the orderly conduct of the hearing will be announced by the presiding officer at the start of the hearing. Clarifying questions regarding statements made at the hearing may be asked only by DOE and UC personnel conducting the hearing. There will be no cross-examination of persons presenting statements. A transcript of the hearing will be prepared, and the entire record of the hearing, including the transcript, will be retained for inspection at libraries and reading rooms listed above.

Issued in Washington, DC, March 30, 1992.
Richard A. Claytor,
Assistant Secretary for Defense Programs.
 [FR Doc. 92-7724 Filed 4-2-92; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96-511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information:

- (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC));
- (2) Collection number(s);
- (3) Current OMB docket number (if applicable);

- (4) Collection title;
- (5) Type of request, e.g., new, revision, extension, or reinstatement;
- (6) Frequency of collection;
- (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit;
- (8) Affected public;
- (9) An estimate of the number of respondents per report period;
- (10) An estimate of the number of responses per respondent annually;
- (11) An estimate of the average hours per response;
- (12) The estimated total annual respondent burden; and
- (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before May 4, 1992. If you anticipate that you will be submitting comments but find it difficult to do so with the time allowed by this notice, you should advise OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW, Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIAL CONTACT:

Jay Casselberry, Office of Statistical Standards, (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254-5348.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Energy Information Administration (EIA).
2. EIA-176, 191, 191S, 627, 857 and 857S.
3. 1905-0175.
4. Natural Gas Program Package.
5. Revision—EIA is requesting Office of Management and Budget approval of a revision to the form EIA-627, "Annual Quantity and Value of Natural Gas Report." Monthly items for collecting volume of natural gas consumed as lease fuel will be added.
6. Weekly, Monthly, and Annually.
7. Mandatory.
8. State or local governments, Businesses or other for-profit, Small businesses or organizations.
9. 2,315 respondents.

10. 3.5 responses.
11. 5.4 hours per response.
12. 43,185 hours.

13. The Natural Gas Program Package forms collect production, processing, transmission, storage, consumption, and price data. The data are used to address significant energy industry issues. Data from these forms are published in various EIA publications. Respondents are pipeline companies, distributors, storage operators, plant operators, and State agencies.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, March 27, 1992.

Yvonne M. Bishop,
Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92-7725 Filed 4-2-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2221-005 Washington]

The Empire District Electric Co. Availability of Environmental Assessment

March 27, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new license for the Ozark Beach Project, located on the White River, in Taney County, Missouri, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impact of the project and has concluded that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 92-7666 Filed 4-2-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-05050T Texas-52]

State of Texas; NGPA Determination by Jurisdictional Agency Designating Tight Formation

March 27, 1992.

Take notice that on March 24, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Strawn Formation in portions of Hood and Somervell Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The designated area in Hood and Somervell Counties, Texas, consists of the acreage listed in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Strawn Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,
Secretary.

APPENDIX

	Survey name	Abstract No.
	Strawn Formation in Hood County, Texas	
C. Lockridge		A-342
T. Bundick		A-23
W. Beck		A-36
J. Mackey		A-397
T. Bundick		A-24
J. Meredith		A-792
McKinney & Williams		A-411
J. Shaw		A-513
J. Shaw		A-514
W. Harper		A-258
W. Harper		A-254
P. Hughlett		A-257
J. Morris		A-347
H. Meyers		A-580
P. Hughlett		A-256
W. Bailey		A-833
R. Disney		A-144
W. Carey		A-85
A. Doan		A-145
M. Brinkley		A-35
M. Brinkley		A-34
J. White		A-576
T. Stanbury		A-498
C. Egery		A-169
J. Elliot		A-170

APPENDIX—Continued

Survey name	Abstract No.
Strawn Formation in Somervell County, Texas	
Galveston County School Land	7-A-37

[FR Doc. 92-7664 Filed 4-2-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP92-133-000 (Phase I)]

Gas Research Institute; Supplemental Notice

March 27, 1992.

By this notice, the Commission is advising that it is changing the date of the conference previously scheduled in this matter from Monday, April 13, 1992, to Monday, April 20, 1992.

On March 23, 1992, the Commission issued a notice of the filing and initiation of the Commission's review of Phase I of the Gas Research Institute's (GRI) 1993-1997 research and development plan (R&D) and 1993 R&D program. The notice provided that, in Phase I, the Commission will review options for, and establish, a revised GRI funding mechanism to address recent changes in the gas market and the Commission's rules. The notice established an April 13, 1992 conference on GRI's Phase I filing and stated that this supplemental notice would be issued listing questions for the parties to address in their comments on the funding mechanism or at the conference. The questions to be addressed follow:

1. Does the new funding mechanism provide the opportunity for any entity currently assessed the GRI surcharge to avoid payment?

2. If so, which types of entities could avoid the surcharge and which ones would make-up the revenue shortfall created by avoidance of the surcharge?

3. Does the new funding mechanism shift responsibility for collecting the GRI funding unit from the pipeline to the local distribution company (LDC)?

4. Provide sample calculations of how the GRI surcharge would be collected under the current method and under the proposed method from each type of entity receiving service. Provide these calculations for situations with and without discounting.

5. During the past year, what volume of gas subject to the GRI surcharge was transported through an LDC to third parties which contracted with pipelines for transportation?

6. How would GRI's proposal affect a third party's use of LDC services?

7. If the Commission approves the proposed new funding mechanism, what

tariff changes will pipelines have to file to implement the new mechanism?

8. Did GRI and the parties involved in the discussions leading up to this filing consider using a demand surcharge mechanism (which would be collected in the pipelines' reservation fee) in lieu of the present funding mechanism? Would such a mechanism be preferable to the revised funding mechanism proposed? Why or why not? What would be the competitive impact of that or other proposals?

9. What other types of funding mechanisms did GRI and the parties involved in the discussions leading up to this filing consider? Why is the revised funding mechanism preferable?

10. In light of the changes in the natural gas market, what efforts is GRI undertaking that would minimize the impact of its funding unit while not affecting its overall R&D efforts?

11. Did GRI consider a requirement for mandatory participation of membership?

Those parties that wish to address these questions should submit written responses no later than April 13, 1992. Parties should also address the merits of GRI's proposed funding mechanism. Those parties participating in the conference and also submitting responses to the questions and other comments should be prepared to discuss these responses at the conference.

Lois D. Cashell,
Secretary.

[FR Doc. 92-7662 Filed 4-2-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI90-74-002]

Gulf Energy Marketing Co.; Application for Extension of a Blanket Limited-Term Certificate With Pregranted Abandonment

March 27, 1992.

Take notice that on March 23, 1992, Gulf Energy Marketing Company of 1301 McKinney, suite 700, Houston, Texas 77010, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10,

1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Gulf Energy Marketing Company to appear or to be represented at the hearing.

Lois D. Cashell,
Secretary.

[FR Doc. 92-7665 Filed 4-2-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-417-000]

Houston Pipe Line Co.; Application for a Presidential Permit for the Construction, Operation, Maintenance, and Connection at the United States/Mexico International Boundary, of Facilities for Exportation of Natural Gas

March 27, 1992.

Take notice that on March 17, 1992, Houston Pipe Line Company (HPL), P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP92-417-000 an application pursuant to section 3 of the Natural Gas Act and §§ 153.3 and 153.10 through 153.12 of the Commissions Regulations and Executive Order 10485, as amended by Executive Order 12038, and Secretary of Energy Delegation Order No. 0204-112. In that application, HPL requested an order authorizing the siting, construction, operation and maintenance of pipeline facilities at the United States-Mexico international boundary near Mission, Hidalgo County, Texas and Reynosa, Tamaulipas, Mexico. In addition, HPL requested a Presidential permit covering the proposed construction, connection and operation of pipeline facilities at the United States-Mexico border, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

HPL states that it proposes to construct a border crossing, which include directionally drilling under the Rio Grande River, to a point of connection with the existing border facilities of Petroleos Mexicanos

(Pemex) near Reynosa, Tamaulipas, Mexico. HPL states that the proposed facilities would consist of approximately 1,000 feet of 36-inch pipeline from a point located on the United States side of the Rio Grande near Mission, Hidalgo County, Texas to the existing underutilized 13 mile, 42 inch pipeline of Pemex which terminates on the Mexico side of the Rio Grande just outside the city of Reynosa. HPL further states that it is proposing to construct the border crossing to provide an additional point of delivery for any party on its system for the exportation of natural gas from the United States to Mexico for use in Mexico.

HPL states that the proposed facilities are designed to move up to 600,000 Mcf equivalent per day of gas to accommodate the estimates of Pemex of the quantity of gas which may be required at this point. HPL further states that it intends to construct meter station facilities and approximately 22.6 miles of 36 inch pipeline to connect the South Texas portion of its existing pipeline system to the proposed United States-Mexico border crossing. HPL states that proposed facilities are required to accommodate Pemex's need for gas to meet its winter demand which begins November 1, 1992.

HPL indicates that the Pemex existing facilities consist of a large capacity metering and regulating station and a 42 inch pipeline lateral which begins immediately adjacent to the Rio Grande River and which extends 13 miles to the Pemex mainline facilities. HPL further indicates that the Pemex mainline facilities continue on to the cities of Reynosa and Monterrey.

HPL states that the exportation of natural gas through the proposed facilities will not impair the ability of an exporter to render service to domestic customers. HPL submits that two exporters who expected to use the facilities are its affiliated marketers HPL Gas Company (HPLGC) and Natural Gas Marketing & Storage Company (NGMS), each of whom have requested blanket authorization from the Department of Energy to export gas over a term of two years, totalling up to 550 Bcf, to Mexico.

HPL indicates that it has negotiated a competitive rate with HPLGC and NGMS for transportation through the proposed facilities upon their completion. HPL states that its facilities will be made available for any party to export natural gas produced from any field in the lower 48 states.

HPL submits that the particulars of the contract terms and use of the natural gas in Mexico for natural gas exported through these facilities cannot be

ascertained at this time because those sales contracts have not yet been negotiated. HPL indicates that the rate charged will be a competitive rate which will be freely negotiated between Pemex and any marketing or other entity which may from time to time reach agreement with Pemex.

HPL states that its facilities will be made available and open to any party for export and sale of gas to Mexico. HPL further states that parties holding or who will in the future hold these blanket authorizations to export gas to Mexico will be able to avail themselves of these facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Secretary.

[FR Doc. 92-7663 Filed 4-2-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FA88-62-000]

Wisconsin Electric Power Co.; Order Instituting Proceedings Under Part 41 of the Commission's Regulations

Issued March 30, 1992.

On February 4, 1992, the Chief Accountant issued a report under delegated authority to Wisconsin Electric Power Company (Company) summarizing the results of an audit performed by the Office of the Chief Accountant's Division of Audits. (Wisconsin Electric Power Company, 58 FERC ¶ 62,121 (1992)). The Chief Accountant noted the Company's disagreement with one item included in the report, regarding the accounting and fuel adjustment clause billings for coal mine reclamation costs. (58 FERC at 63,350, 63,357-60). The Chief Accountant requested the Company to advise the Commission whether it consented to the disposition of the questions involved under the shortened procedure provided by part 41 of the Commission's

regulations, 18 CFR part 41. (58 FERC at 63,350).

On March 2, 1992, the Company advised the Commission that it consented to the shortened procedure provided under § 41.3 of the Commission's regulations, 18 CFR 41.3.

Accordingly, pursuant to delegated authority, 18 CFR 375.302(m)(2), proceedings are hereby instituted under part 41 of the Commission's regulations to determine the appropriate treatment of the above items using the shortened procedure provided under § 41.3 of the Commission's regulations.

Additionally, resolution of the above items may have rate implications requiring refunds. For this reason, the company is ordered, as part of its initial brief in this proceeding: (1) To explain why it should not be required to make refunds of any amounts found to have been improperly collected; and (2) to propose an allocation of refunds among customers.¹

Any interested person seeking to participate in this docket shall file a motion to intervene under rule 214 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214, no later than 15 days after the date of publication of this order in the **Federal Register**.

The following procedural schedule is hereby established in this proceeding:

(1) The Company, any interested person, and the Commission's trial staff shall file with the Secretary an original and fourteen copies of their respective initial briefs on the accounting and refund issues no later than 45 days after the date of publication of this order in the **Federal Register**.

(2) Reply briefs shall be due no later than 20 days thereafter.

Lois D. Cashell,
Secretary.

[FR Doc. 92-7667 Filed 4-2-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 92-27-NG]

American Hunter Exploration Ltd., Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on February 28, 1992, of an application filed by American Hunter

Exploration Ltd. (American Hunter) requesting authorization to import up to 300 Bcf of natural gas over a two-year period beginning with the date of first delivery after October 5, 1992, the date that American Hunter's current blanket import authorization expires. American Hunter intends to continue to use existing pipeline facilities for the importation of the gas supplies, and will submit quarterly reports detailing each transaction.

The application was filed under section 3 of the natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, May 4, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7751.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, Department of Energy, Forrestal Building, room 6E-042, CC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0503.

SUPPLEMENTARY INFORMATION:

American Hunter is a corporation organized under the laws of the state of Delaware with their headquarters in Calgary, Alberta, Canada, a marketing office in Irvine, California, and an exploration and production office in Denver, Colorado. American Hunter is a wholly-owned subsidiary of Canadian Hunter Exploration Ltd. American Hunter is primarily an exploration and production company, but it is also involved in the importation of gas from Canada, including but not limited to gas produced by Canadian Hunter Exploration Ltd. American Hunter has an existing blanket import authorization, issued on April 30, 1987, in DOE Opinion and Order No. 189 (1 ERA, 70,696), which expires on October 5, 1992. American Hunter requests that the blanket authorization be amended to extend the authorization for a term of two years beginning on the date of first delivery after October 5, 1992. American Hunter requests authorization to import natural gas on a short-term or spot-market basis for its own account, as

well as for the accounts of others for which American Hunter may agree to act as an agent.

The decision on this application for import authority will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment on the issue of competitiveness as set forth in the policy guidelines for the requested import authority. The applicant asserts that imports made under the proposed arrangement will be competitive and otherwise consistent with DOE import policy. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as

¹ Cf. Minnesota Power & Light Company, 34 FERC ¶ 61,072 (1988).

necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of American Hunter's application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 30, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-7713 Filed 4-2-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-12-NG]

Energy Consultants, Inc., Application for Blanket Authorization To Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for blanket authorization to export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on February 5, 1992, of an application filed by Energy Consultants, Inc. (Encon), requesting blanket authorization to export to Mexico up to 200,000 Mcf of natural gas per day over a two-year term beginning

on the date of first export delivery. The proposed exports would take place either at, or near, Reynosa, Tamaulipas, Mexico, where the pipeline facilities of Texas Eastern Transmission Corporation interconnect with those of Petroleos Mexicanos (Pemex) or at other existing pipeline interconnections. Encon intends to submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, May 4, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F-056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0503.

SUPPLEMENTARY INFORMATION: Encon, a Texas corporation with its principal place of business in Houston, Texas, is a natural gas marketer engaged in the purchasing, sale and transport of natural gas in the interstate and intrastate markets. Encon proposes to export natural gas primarily to Pemex for local distribution by Pemex, but also may make sales to other Mexican customers. Encon states that a gas surplus is currently available to it and the excess volumes are more than adequate to provide the requested export authorization. All sales would result from arms-length negotiations and prices would be determined by market conditions. Encon believes that the competitive, short-term nature of the natural gas sales will aid in the efficient allocation of natural gas in the general marketplace.

This export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204-111 and 0204-127. In deciding whether the proposed export of natural gas is in the public interest, domestic need for the gas will be considered, and any other

issue determined to be appropriate, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts that there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing this arrangement bear the burden of overcoming this assertion.

All parties should be aware that if DOE approves this requested blanket export authorization, it would designate a total authorized volume for the two-year term, 146 Bcf of natural gas, rather than the 200,000 Mcf per day requested by Encon, in order to maximize the applicant's flexibility of operation.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notice of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written

comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Encon's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 27, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-7714 Filed 4-2-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-26-NG]

ENERGY International Marketing Corp.; Application for Blanket Authorization To Import and Export Natural Gas, Including Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for blanket authorization to import and export natural gas, including liquefied natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt of an application filed on February 27, 1992, by ENERGY

International Marketing Corporation (EIMC) requesting blanket authorization to import and/or export from Canada, Mexico and other countries up to 200 Bcf of natural gas, including liquefied natural gas (LNG), for resale to markets inside and outside the United States. EIMC requests authorization for a two-year term beginning on the date of first import or export. The proposed imports and exports would take place at any point on the international borders where existing facilities are located. EIMC would provide DOE with quarterly reports detailing any import or export transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, May 4, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Susan K. Gregersen, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-070, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0063.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0503.

SUPPLEMENTARY INFORMATION: EIMC, a Texas corporation with its principal place of business in Kingwood, Texas, is a natural gas marketer engaged in reselling natural gas to various purchasers. The requested import authorization will enable EIMC to make natural gas and LNG available to U.S. markets, including pipelines, local distribution companies and industrial and commercial end users. Blanket export authorization would allow EIMC to sell U.S. natural gas and LNG for which there is no present national need. EIMC would import and export natural gas and LNG for its own account, as well as for the accounts of others. The gas would be imported and exported under short-term, market-responsive contracts and competitive prices.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the

competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, DOE considers the domestic need for the gas to be exported and any other issues determined to be appropriate, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose the application should comment in their responses on these issues. EIMC asserts that its proposal is in the public interest. Parties opposing EIMC's application bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete

understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of EIMC's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 27, 1992.

Charles F. Vacek,
Deputy Assistant Secretary for Fuels
Programs, Office of Fossil Energy.
[FR Doc. 92-7716 Filed 4-2-92; 8:45 am]
BILLING CODE 6450-01-M

[FE Docket No. 92-23-NG]

**Universal Resources Corp.,
Application for Blanket Authorization
To Import Natural Gas From Canada**

AGENCY: Office of Fossil Energy, DOE.
ACTION: Notice of application for
blanket authorization to import natural
gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on February 25, 1992, by Universal Resources Corporation (Universal) requesting blanket authorization to import up to 50 Bcf of natural gas per year from Canada over a two-year period beginning with the date of first delivery. Universal intends to use

existing pipeline facilities, and will submit quarterly reports of its transactions.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, May 4, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478.

FOR FURTHER INFORMATION CONTACT:

Susan K. Gregersen, Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F-070, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0063.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION:

Universal, A Texas corporation with principal offices located in Salt Lake City, Utah, is a wholly owned subsidiary of Questar Corporation, a Utah corporation also located in Salt Lake City, Utah. Universal proposes to import gas for sale to a variety of commercial and industrial end users, utility customers and other gas marketers in the western United States. The gas will be purchased under short-term, market-responsive contracts, and will be imported at existing points along the international border.

The decision on the request for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties should comment on the issue of competitiveness as set forth in those guidelines. Universal asserts its proposed import will be competitive. Parties opposing Universal's request for import authorization bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final

decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official

record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.318.

A copy of Universal's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 27, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-7717 Filed 4-2-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-29-NG]

Williams Gas Marketing Co.; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on March 2, 1992, by Williams Gas Marketing Company (WGM) requesting blanket authorization to import up to 200 Bcf of natural gas per year from Canada over a two-year period beginning on June 1, 1992, the day after which WGM's current two-year blanket import authorization expires (1 FE Para. 70,319). WGM intends to use existing facilities, and will submit quarterly reports of its transactions.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, May 4, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478.

FOR FURTHER INFORMATION CONTACT:
Susan K. Gregersen, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-070, 1000

Independence Avenue, SW., Washington, DC 20585, (202) 586-0063.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: WGM, a Delaware corporation with offices located in Tulsa, Oklahoma, is an indirect subsidiary of The Williams Companies, Inc. WGM requests authority to continue to import gas from Canada, either for its own account or on behalf of others, for sale to end users, local distribution companies and intrastate and interstate pipelines. The gas will be purchased under short-term, market-responsive contracts, and will be imported at existing points along the international border.

The decision on the request for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties should comment on the issue of competitiveness as set forth in those guidelines. WGM asserts the proposed arrangement is competitive. Parties opposing WGM's request for import authorization bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of

intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of WGM's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 27, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-7715 Filed 4-2-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-4119-6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075.

Availability of Environmental Impact Statements Filed March 23, 1992 Through March 27, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920101, Draft EIS, AFS, MT, Halfmoon Timber Harvest Sale, Road Construction and Reconstruction, Implementation, Flathead National Forest, Hungry Horse Ranger District, Flathead County, MT, Due: May 18, 1992, Contact: Ed Lieser (406) 387-5243.

EIS No. 920101, Final EIS, BLM, CO, Gunnison Resource Area, Resource Management Plan, Implementation, Montrose District, Hinsdale, Ouray, Gunnison, Saguache, and Montrose Counties, CO, Due: May 04, 1992, Contact: Bill Bottomly (303) 249-6047.

EIS No. 920103, Draft EIS, FHW, MN, I-35W/Washington Avenue South in Minneapolis to I-35E in Burnsville Improvements, Construction and Reconstruction, Funding, Section 404 and 10 Permits, U.S. CGD Permit, Cities of Minneapolis and Burnsville, Hennepin and Dakota Counties, MN, Due: May 18, 1992, Contact: Stephen Bahler (612) 290-3259.

EIS No. 920104, Draft EIS, FHW, WA, Stillaguamish River Bridges WA-9/132 Haller and WA-530/120 (Lincoln) Bridges Replacement Project, Improvements, Funding, Section 404 Permit and Right-of-Way Acquisition, City of Arlington, Snohomish County, WA, Due: May 18, 1992, Contact: Barry F. Morehead (306) 753-2120.

EIS No. 920105, Final EIS, AFS, CA, Sierra National Forest, Land and Resources Management Plan, Fresno, Madera and Mariposa Counties, CA, Due: May 04, 1992, Contact: James L. Boynton (209) 487-5155.

EIS No. 920106, Final EIS, BOP, FL, Coleman Federal Correctional Complex (FCC), Construction and Operation, North of County Road 470 between Oakhumpka and Sumterville, Sumter County, FL, Due: May 04, 1992, Contact: Patricia K. Sledge (202) 514-6470.

EIS No. 920107, Final EIS, FRC, WA, ID, NV, OR, WY, CA, Northwest Natural Gas Pipeline Expansion Project, Construction and Operation, Licensing, from points in Canada and the United States to Washington, Oregon, Idaho, Wyoming, Nevada and

California, WA, OR, ID, WY, NV and CA, Due: May 04, 1992, Contact: Lauren O'Donnell (202) 208-0874. EIS No. 920108, Final EIS, COE, PA, Lackawanna River Basin Flood Protection Plan, Funding, Implementation, Borough of Olyphant, City of Scranton, Lackawanna County, PA, Due: May 04, 1992, Contact: Steven Stegner (301) 962-4959.

EIS No. 920109, Final EIS, COE, CA, Los Angeles County Drainage Area Flood Control System Improvements, Implementation, Los Angeles County, CA, Due: May 04, 1992, Contact: Ron Ganzfried (213) 894-6088.

Dated: March 31, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities. [FR Doc. 92-7720 Filed 4-2-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4119-7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 16, 1992 through March 20, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1991 (56 FR 14096).

Draft EISs

ERP No. D-AFS-K65136-CA Rating
EC2, CASA-Guard Timber Sale, Implementation, Sequoia National Forest, Cannell Meadow Ranger District, Tulare and Kern Counties, CA.

Summary: EPA expressed environmental concerns regarding potential impacts to air quality, water quality and riparian areas and the sale's contribution to cumulative losses of wildlife habitat, especially in conjunction with two other timber sales in the immediate area. FEIS should summarize other Forest Service documents that are not immediately available to the reader, but are referenced as supporting documents.

ERP No. D-AFS-K65137-CA Rating
EC2, Cottonwood and Golf Timber Sales, Implementation, Timber Harvesting in the Breckenridge Compartment, Sequoia National Forest, Greenhorn Ranger District, Kern County, CA.

Summary: EPA expressed environmental concerns regarding potential impacts to air quality, threatened and endangered species, wetlands and water quality, as well as cumulative impacts. EPA also requested information concerning the application of pesticides and herbicides.

ERP No. D-FHW-B40071-CT Rating
LO, I-95 at New Haven Harbor Crossing (Quinnipiac River Bridge) Improvement, from Interchange 43 southwest to Interchange 53 northeast, Funding, COE section 10 and 404 Permits, U.S. Coast Guard Bridge Permit, New Haven, East and West Haven, CT.

Summary: EPA requested additional information on air quality impacts, other related planned transportation improvements and minimization of wetland fill.

ERP No. D-FHW-B40185-NV Rating
EO2, Las Vegas Beltway Southern Segment Construction, US 93/Boulder Highway in the City of Henderson to the intersection of Durango Drive and Tropicana Avenue on the West, Funding, section 10 and 404 Permits, Clark County, NV.

Summary: EPA expressed concern regarding air quality impacts (exceeds Federal standards for particulates), noise impact mitigation, impacts to ground water quality and consistency with section 404 of the Clean Water Act. EPA requested that additional discussions of these issues be included in the Final EIS.

ERP No. D-NRC-A00164-00 Rating
EO2, Nuclear Power Plants Operating Licenses, NUREG-1437, Renewal, NPDES Permit.

Summary: EPA has reviewed the draft generic EIS for License Renewal of Nuclear Power Plants, proposed rulemaking and associated guidance. EPA rated the DGEIS EO-2, environmental objections insufficient information. EPA objections focus on: 1) The concept and approach used in categorizing issues, 2) the NRC proposed approach for future NEPA documentation on the GEIS; and 3) the bounding of potential impacts by the assumptions used in the DGEIS. EPA also requested additional information and clarifications concerning media-specific issues and environmental standards and regulations.

ERP No. D-UAF-K11016-CA Rating
EO2, Norton Air Force Base (AFB) Disposal and Reuse, Implementation, San Bernardino, CA.

Summary: EPA expressed environmental objections regarding the full disclosure of base reuse plans, the interaction between reuse plans and the base Installation Restoration Program

hazardous waste cleanups, water quality impacts and air quality impacts. We encouraged the Air Force to positively influence the nature of future use of Norton Air Force Base by promoting conservation, pollution prevention, waste minimization, recycling and biodiversity principles.

ERP No. DB-UMT-K54014-CA Rating LO1, Los Angeles Metro Rail Rapid Transit Project, Updated Information and Change in the Designation of the Locally Preferred Alternative to the Pico/San Vicente Alternative, Stations at Olympic/Crenshaw and Pico/San Vicente, Funding, Los Angeles County, CA.

Summary: EPA requested that the FEIS discuss the status of the Clean Air Act conformity finding and encouraged the Federal Transit Administration to support pollution prevention measures in the project design.

Final EISs

ERP No. F-AFS-L65138-OR, Shasta Costa Timber Sale and Integrated Resource Projects, Implementation, Siskiyou National Forest, Gold Beach and Galice Ranger Districts, Curry County, OR.

Summary: Review of the final EIS has been completed and the project found to be satisfactory.

ERP No. F-COE-G30012-TX, Sargent Beach Gulf Intracoastal Waterway (Section 216 Study) Flood Control Plan and Erosion Protection, Implementation, San Bernard National Wildlife Refuge, Galveston District, Matagorda County, TX.

Summary: EPA has no objections to the selection of the preferred shoreline protection alternative.

ERP No. F-FAA-G51023-TX, Dallas/Fort Worth International Airport, Construction and Operation, Runway 16/34 East and Runway 16/34 West, Airport Layout Plan, Approval and Funding, Cities of Dallas and Fort Worth, TX.

Summary: EPA commented that the Final EIS addressed concerns for wetlands and alternatives. EPA pointed out that the single event grid noise analysis was difficult to understand and that future associated facilities should be addressed in one environmental document and tiered from this EIS.

ERP No. F-FAA-K51053-HI, Kalaupapa Airport, Roadway and Wharf Improvement, Construction and Funding, Island of Molokai, Kalawao County, HI.

Summary: Review of the Final EIS was not deemed necessary.

ERP No. F-FHW-E40712-SC, Cross Island Expressway Construction, US 278 to Palmetto Bay Road, Hilton Head

Island, Funding and Section 10 and 404 Permits, Beaufort County, SC.

Summary: EPA had concerns with potential wetland impacts and noise impacts to residents along the preferred alignment. Detailed information on wetland mitigation was lacking.

ERP No. F-USA-K85061-HI Fort DeRussy Armed Forces Recreation Center Development, Construction, Implementation, Oahu Island, County of Honolulu, HI.

Summary: Review of the Final EIS was not deemed necessary.

Dated: March 31, 1992.

William D. Dickerson,
Deputy Director, Office of Federal Activities.
[FR Doc. 92-7719 Filed 4-2-92; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

March 25, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW, Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Judy Boely, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: None

Title: Confidential Alternative Dispute Resolution Statement.

Form Number: FCC Form 90.

Action: New collection.

Respondents: Individuals or households, state or local governments, non-profit institutions, federal agencies or employees and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting and Other: Upon decision of parties to engage in Alternative Dispute Resolution techniques.

Estimated Annual Burden: 900 responses; .50 hours average burden per response; 450 hours total annual burden.

Needs and Uses: This collection of information is necessary from a

management perspective to enable the FCC's ADR Specialist to fulfill his statutory responsibility under the Administrative Dispute Resolution Act (ADRA), Public Law No. 101-552, in implementing the provisions of the ADRA and the FCC's ADR Policy. The information will be used by the neutral selected by the parties. When parties advise the Commission that they wish to use ADR, the Commission will send them this form to fill out and send to the neutral they have chosen. The form indicates that it should not be filed with the Commission or any other person, except for the neutral and that it will only be read by the neutral. It will provide the neutral with the necessary background information to the case before the parties first ADR session. Without this form, the neutral could not come to the first session prepared with history about the case.

OMB Number: None.

Title: Mediator Survey and Party Survey Forms.

Form Numbers: FCC Forms 91 and 92.

Action: New collection.

Respondents: Individuals or households, state or local governments, non-profit institutions, federal agencies or employees and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting and Other: Upon decision of parties to engage in Alternative Dispute Resolution techniques.

Estimated Annual Burden: 1,350 responses; .50 hours average burden per response; 675 hours total annual burden.

Needs and Uses: The Mediator and Party Survey forms will be used to enable the FCC to evaluate and improve its ADR program. At set periods, the information will be collated and used to compile statistics about the ADR program by the Commission's ADR Specialist in order to evaluate the success of the Commission's ADR program and to make improvements to the program, where necessary. Without these forms, the Commission could not receive the valuable feedback from parties concerning its ADR program and institute changes that may be needed to improve it. These survey forms will be completed by the parties and the neutral. If these collections of information were conducted less frequently, valuable time might pass before a particular problem in the ADR program reaches the ADR Specialists' attention and corrected. This could have an adverse impact on the Program and the number of cases which reach settlement.

Federal Communications Commission.

Dated: March 26, 1992.

Donna R. Searcy,
Secretary.

[FR Doc. 92-7728 Filed 4-2-92; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1881]

**Petitions for Reconsideration
Application for Review of Actions in
Rulemaking Proceedings**

March 27, 1992.

Petitions for reconsideration and applications for review have been filed in the Commission rule making proceedings listed in this public notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452-1422. Oppositions to these petitions for reconsideration and application for review must be filed by April 20, 1992. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b)
Table of Allotments, FM Broadcast Stations, (Kingsville and Ingleside, Texas) (MM Docket No. 88-257, RM Nos. 6299 and 6505) Number of Petitions Filed: 1.

Subject: Amendment of the Amateur Radio Service Rules to make the service more accessible to persons with handicaps. (PR Docket No. 90-356) Number of Petitions Filed: 1.

Subject: Amendment of part 22 of the Commission's Rules Relating to License Renewals in the Domestic Public Cellular Radio Telecommunications Service. (CC Docket No. 90-358) Number of Petitions Filed: 2.

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Cottage Grove and Brownsville, Oregon) (MM Docket No. 90-494, RM Nos. 7473, 7571) Number of Petitions Filed: 1.

Subject: Amendment of § 73.202(b)
Table of Allotments, FM Broadcast Stations. (Oakdale and Campti, Louisiana) (MM Docket No. 90-594, RM Nos. 7250, 7660) Number of Petitions Filed: 1.

Subject: Amendment of § 73.202(b)
Table of Allotments, FM Broadcast Stations. (Safford, Arizona) (MM Docket No. 91-306, RM Nos. 7824). Number of Petitions Filed: 1.

Application for Review

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Cadiz, Kentucky) Number of Petitions Filed: 1.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR DOC. 92-7727 Filed 4-2-92; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; City of Long Beach/Toyota Motor Sales, U.S.A., Inc. Terminal Lease Agreement; et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-004003-004.

Title: City of Long Beach/Toyota Motor Sales, U.S.A., Inc. Terminal Lease Agreement.

Parties:

City of Long Beach ("Port")
Toyota Motor Sales, U.S.A., Inc.
("Toyota").

Synopsis: The subject modification redscribes and expands the area under lease to Toyota by the Port. It also clarifies property insurance requirements covering the premises.

Agreement No.: 224-200075-001.

Title: City of Long Beach/Koch Carbon, Inc. Terminal Agreement.

Parties:

City of Long Beach ("the City")
Koch Carbon, Inc. ("Koch").

Synopsis: The amendment settles a claim against the City by Koch regarding the repair and refurbishment of a shiploader at the City's Berths 210 and 211. In addition, Koch shall have the right of first refusal to lease a substitute parcel of land as shown in the amendment.

Agreement No.: 203-011370.

Title: Hawaii-Asia Discussion Agreement.

Parties:

Sea-Land Service, Inc.
Nippon Yusen Kaisha, Ltd.

Synopsis: The proposed Agreement would authorize the parties to discuss, consider, exchange information and data, and agree upon matters of mutual concern in the trade between ports and points in Hawaii and ports and points in Asia, the Indian Subcontinent and the Persian Gulf, excluding Japan import service. The parties are not authorized to publish a common tariff. The parties have no obligation under this Agreement, other than voluntarily, to adhere to any consensus or agreement reached.

By Order of the Federal Maritime Commission.

Dated: March 30, 1992.

Joseph C. Polking,
Secretary.

[FR Doc. 92-7673 Filed 4-2-92; 8:45 am]
BILLING CODE 6730-01-M

Agreement(s) Filed; Transpacific Westbound Rate Agreement

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-010689-049.

Title: Transpacific Westbound Rate Agreement.

Parties: American President Lines, Ltd., Kawasaki Kisen Kaisha Ltd., A.P. Moller-Maersk Lines, Mitsui O.S.K. Lines, Ltd., Neptune Orient Lines, Ltd., Nippon Yusen Kaisha, Ltd., Sea-Land Service, Inc., Orient Overseas Container Line, Inc.

Synopsis: The proposed amendment would clarify the requirements on votes taken by the parties on tariff and policy level matters. The amendment also sets

forth the requirements for voting on other matters under the Agreement.

Agreement No.: 203-011038-013.

Title: Southeastern Caribbean Discussion Agreement.

Parties: United States Atlantic and Gulf/Southeastern Caribbean Conference, West Indies Shipping Corporation, Blue Caribe Line.

Synopsis: The proposed amendment would add Seafreight Line Ltd. as a party to the Agreement. The parties have requested a shortened review period.

Agreement No.: 203-011232-004.

Title: USA-South Africa Discussion Agreement.

Parties: United States/Southern Africa Conference, Mediterranean Shipping Company SA, Nedlloyd Lines, P & O Containers Ltd.

Synopsis: The proposed amendment would add Wilhelmsen Lines AS as party to the Agreement. The parties have requested a shortened review period.

Dated: March 31, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-7696 Filed 4-2-92; 8:45 am]

BILLING CODE 6730-01-M

as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 27, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Firststar Corporation, Milwaukee, Wisconsin; to acquire Federated Insurance Services Corporation, Menomonee Falls, Wisconsin, and thereby engage in the sale of all types of property, casualty and annuity insurance products, pursuant to § 225.25(b)(8)(vii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 30, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7686 Filed 4-2-92; 8:45 am]

BILLING CODE 6210-01-F

written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 27, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Premier Financial Bancorp, Inc., Vanceburg, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Deposit Bank & Trust, Vanceburg, Kentucky, and Bank of Germantown, Germantown, Kentucky.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. First Bancorp, Inc., Lebanon, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The First Bank and Trust Company, Lebanon, Virginia.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Middle Georgia Corporation, Ellaville, Georgia; to acquire 27.7 percent of the voting shares of CBA Bankshares, Inc., Americus, Georgia, and thereby indirectly acquire Citizens Bank of Americus, Americus, Georgia.

In connection with this application, CBA Bankshares, Inc., Americus, Georgia, has applied to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank of Americus, Americus, Georgia.

2. Swainsboro Bankshares, Inc., Swainsboro, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank of Swainsboro, Swainsboro, Georgia.

3. Vidalia Bankshares, Inc., Vidalia, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Brice Banking Company, Inc., Vidalia, Georgia.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Guaranty Development Company, Livingston, Montana; to acquire 100 percent of the voting shares of InterWest Bank of Bozeman, Bozeman, Montana, through InterWest Acquisition, a state-chartered non-member phantom bank.

E. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice

FEDERAL RESERVE SYSTEM

Firststar Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such

Premier Financial Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a

President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Arlington State Banc Holding Company*, Arlington, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Arlington State Bank, Arlington, Nebraska.

F. *Federal Reserve Bank of Dallas* (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Hill Bancshares, Inc.*, Weimar, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Hill Bancshares of Delaware, Inc., Wilmington, Delaware, and thereby indirectly acquire Hill Bank & Trust Co., Weimar, Texas.

In connection with this application, Hill Bancshares of Delaware, Inc., Wilmington, Delaware, has applied to become a bank holding company by acquiring 100 percent of the voting shares of Hill Bank & Trust Co., Weimar, Texas.

Board of Governors of the Federal Reserve System, March 30, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7687 Filed 4-2-92; 8:45 am]

BILLING CODE 6210-01-F

F.A. Sewell, III; Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 23, 1992.

A. *Federal Reserve Bank of Kansas City* (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Mr. F.A. Sewell, III*, Clinton, Oklahoma; to acquire an additional 13.31 percent, totalling 39.34 percent, of the voting shares of Clinton Bancshares,

Inc., Clinton, Oklahoma, and thereby indirectly acquire First National Bank in Clinton, Clinton, Oklahoma.

Board of Governors of the Federal Reserve System, March 30, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7688 Filed 4-2-92; 8:45 am]

BILLING CODE 6210-01-F

W.B.T. Holding Company; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 27, 1992.

A. *Federal Reserve Bank of St. Louis* (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63186:

1. *W.B.T. Holding Company*, Memphis, Tennessee; to engage *de novo* in making, acquiring, or servicing residential mortgages and secured commercial loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 30, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7689 Filed 4-2-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Revised Jurisdictional Thresholds for Section 8 of the Clayton Act

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission announces the revised thresholds for interlocking directorates required by the 1990 amendment of section 8 of the Clayton Act. Section 8 prohibits, with certain exceptions, one person from serving as a director or officer of two competing corporations if two thresholds are met. Competitor corporations are covered by section 8 if each one has capital, surplus, and undivided profits aggregating more than \$10,000,000, with the exception that no corporation is covered if the competitive sales of either corporation are less than \$1,000,000. Section 8(a)(5) requires the Federal Trade Commission to revise those thresholds annually, based on the change in gross national product. The new thresholds, which take effect immediately, are \$10,854,481.59 for section 8(a)(1), and \$1,085,448.16 for section 8(a)(2)(A).

DATES: This notice is effective on April 3, 1992.

FOR FURTHER INFORMATION CONTACT:

James Mongoven, Bureau of Competition, Office of Policy and Evaluation, (202) 326-2879.

SUPPLEMENTARY INFORMATION: Section 8 of the Clayton Act, 15 U.S.C. 19, was amended on November 16, 1990. That section, as currently written, requires the Commission to announce the new thresholds by October 30 of each year, for the fiscal year ended September 30. It is impossible for the Commission to comply with that deadline since the final Department of Commerce GNP estimates for the quarter ending September 30 do not become available until late in December of each year. For that reason, the Commission has sent

letters to the Chairmen and ranking minority members of the Senate and the House Judiciary Committees, and to the Chairman of the Antitrust, Monopolies and Business Rights Subcommittee of the Senate Judiciary Committee, requesting that Congress amend section 8(a)(5) to require the Commission to announce the new thresholds no later than January 31 of each year.

(Authority: 15 U.S.C. 19(a)(5).)

Donald S. Clark,

Secretary, Federal Trade Commission.

[FR Doc. 92-7698 Filed 4-2-92; 8:45 am]

BILLING CODE 6750-01-M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notifications Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies,

in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 031692 AND 032792

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
NMC Group PLC, Philip Morris Companies, Inc., Kraft General Foods, Inc.....	92-0634	03-16-92
Liberty Media Corporation, Liberty Media Corporation, Greater Media Cablevision of Western Oakland County LP	92-0631	03-18-92
Liberty Media Corporation, Joseph L. Rosenmiller, Jr., Greater Media Cablevision of Western Oakland County LP	92-0632	03-18-92
Liberty Media Corporation, Peter A. Bordes, Greater Media Cablevision of Western Oakland County LP	92-0633	03-18-92
L. David Myatt, Diamond Shamrock, Inc., Industrial Lubricants Co.....	92-0639	03-18-92
GKH Investments, L.P., EPIC Holdings, Inc., EPIC Holdings, Inc.....	92-0655	03-18-92
Witco Corporation, Tenneco Inc., Viscosity Oil Company (VO)	92-0643	03-19-92
Mesa Airlines, Inc., WestAir Holding, Inc., WestAir Holding, Inc.....	92-0609	03-20-92
Ameritech Corporation, Dynix Management, Inc., Dynix Management, Inc.....	92-0612	03-20-92
ERLY Industries Inc., American Rice, Inc., American Rice, Inc.....	92-0649	03-20-92
Pierre Peladeau, BCE Inc., NADCO Directory Management Corp.....	92-0695	03-20-92
Infinity Broadcasting Corporation, Jeffrey H. Smulyan, Emmis AM Broadcasting Corporation of New York.....	92-0696	03-20-92
Thomas H. Lee Equity Partners, L.P., Ghirardelli Holdings Corporation, Ghirardelli Holdings Corporation	92-0698	03-20-92
Thomas H. Lee Equity Partners L.P., The Quaker Oats Company, Ghirardelli Chocolate Company and Ghirardelli.....	92-0699	03-20-92
Waste Management, Inc., Westates Carbon Inc., Westates Carbon, Inc.....	92-0701	03-20-92
Cabot Corporation, Jack W. Hanks, The Maple Gas Corporation and The Maple Gathering	92-0667	03-23-92
Samuel F. Fortunato (Mutual Benefit Life Insurance Co.), The Trump Capital Corporation, E.H.C. Companies, Inc.....	92-0679	03-23-92
Jeffrey A. Marcus, Steven J. Simmons, Scott Cable Communications, Inc	92-0688	03-23-92
Qual-Med, Inc., Physician Corporation of America, PCA Health Plans, Inc., a California Corporation	92-0629	03-24-92
Tele-Communication Inc., Oscar I Corporation (Joint Venture), Oscar I Corporation (Joint Venture).....	92-0638	03-24-92
Merrill Lynch & Co., Inc., Oscar I Corporation (Joint Venture), Oscar I Corporation	92-0653	03-24-92
Digital Equipment Corporation, 800-Software, Inc., 800-Software, Inc	92-0660	03-24-92
Merrill Lynch Capital Appreciation Company Limited II Oscar I Corporation (Joint Venture), Oscar I Corporation (Joint venture)	92-0676	03-24-92
Wheatley TXT Corp., Edisto Resources Corporation, Multiflex International, Inc.....	92-0686	03-24-92
H.H. Womack, III, VEBA AG, DEMINEX U.S. Oil Company	92-0705	03-24-92
The New York Times Company, Robert C. Cohen, Metropolitan News Co., Inc	92-0713	03-24-92
Bowater plc, Quoteplan plc, Quoteplan plc	92-0627	03-25-92
Dover Corporation, A-C Holdings Associates, L.P., A-C Holdings, Inc	92-0637	03-25-92
Centre Capital Investors L.P., Marshall Field V, Muzak L.P.	92-0709	03-25-92
Sisters of the Holy Redeemer, Forum Retirement Partners, L.P., The Lafayette/Philadelphia	92-0724	03-25-92
Bowater plc, Credit Lyonnais, Pembridge No. 32 Ltd.....	92-0642	03-26-92
JWP Inc., The Scott Companies, Inc., The Scott Companies, Inc.....	92-0677	03-26-92
ITT Corporation, Dirk Broekema, Jr., Bowest Corporation	92-0719	03-26-92
Recognition Equipment Incorporated, TransTechnology Corporation, Lundy Financial Systems Division	92-0583	03-27-92
Aon Corporation, John L. (Larry) Worrall, Media/Professional Insurance, Inc.....	92-0664	03-27-92
Aon Corporation, William E. Bauer, Media/Professional Insurance, Inc	92-0666	03-27-92
International Paper Company, Scitex Corporation Ltd., Scitex Corporation Ltd	92-0697	03-27-92
Meggitt PLC, Allied-Signal Inc., Endevco Corporation/Transducer Technology, Inc	92-0702	03-27-92
Southwestern Bell Corporation, Robert W. Minerich, Minerich, Inc.....	92-0708	03-27-92
Vanguard Cellular Systems, Inc., Vanguard Cellular Systems, Inc., Northeast Pennsylvania Cellular Telephone Company, L.P	92-0727	03-27-92
Duty Free International, Inc., UETA, Inc., UETA, Inc.....	92-0731	03-27-92
Duty Free International, Inc., Overseas Trading Corporation (1987) Limited, Overseas Trading Corporation (1987) Limited	92-0732	03-27-92
Tele-Communications, Inc., International Cablecasting Technologies, Inc., International Cablecasting Technologies, Inc.....	92-0738	03-27-92
Philip Morris Companies Inc., Baxter International Inc., Baxter Healthcare Corporation	92-0741	03-27-92
Time Warner Inc., Franklin Mint Corporation, Franklin Mint Corporation	92-0744	03-27-92
Stewart A. and Lynda Rae Resnick, Franklin Mint Corporation, Franklin Mint Corporation	92-0746	03-27-92
Joseph Littlejohn & Levy Fund, L.P., Republic Health Corporation, Republic Health Corporation	92-0755	03-27-92

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peayor Renee A. Horton,
Contract Representatives, Federal Trade
Commission, Premerger Notification
Office, Bureau of Competition, Room

303, Washington, DC 20580, (202) 326-
3100.

By Direction of the Commission.

Donald S. Clark,

Secretary

[FR Doc. 92-7699 Filed 4-2-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Alcohol, Drug Abuse, and Mental Health Administration****National Institute of Mental Health; Meetings**

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the advisory committees of the National Institute of Mental Health for May 1992.

The initial review groups will be performing review of applications for Federal assistance; therefore, portions of these meetings will be closed to the public as determined by the Acting Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Joanna L. Kieffer, NIMH Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 9-105, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301-443-4333).

Substantive program information may be obtained from the contacts whose names, room numbers, and telephone numbers are listed below.

Committee Name: Services Research Review Committee.

Meeting Date: May 27-29, 1992.

Place: Embassy Suites Hotel, 4300 Military Road, Washington, DC 20015. **Open:** May 27, 9-10 a.m.

Contact: Gloria K. Yockelson, room 9C-05, Parklawn Building, Telephone (301) 443-0948.

Committee Name: Emotion and Personality Review Committee.

Meeting Date: May 28-29, 1992.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814. **Open:** May 28, 8:30-9:30 a.m.

Closed: Otherwise.

Contact: Sheri L. Schwartzback, room 9C-05, Parklawn Building, Telephone (301) 443-4843.

Dated: March 31, 1992.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92-7745 Filed 4-2-92; 8:45 am]

BILLING CODE 4160-20-M

National Institute on Drug Abuse; Meetings

Pursuant to Public Law 92-463, notice is hereby given of a meeting of an advisory committee of the National Institute on Drug Abuse for May 1992.

The National Advisory Council on Drug Abuse will be performing review of applications for Federal assistance; therefore, portions of this meeting will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

A summary of the meeting and a roster of committee members may be obtained from: Ms. Camilla L. Holland, NIDA Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, Room 10-42, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301/443-2755).

Substantive program information may be obtained from the contact whose name, room number, and telephone number is listed below.

Committee Name: National Advisory Council on Drug Abuse.

Meeting Date: May 5-6, 1992.

Place: National Institutes of Health, Building 31 C, Conference Room #6, 9000 Rockville Pike, Bethesda, MD 20892.

Open: May 5, 9 a.m.-1 p.m.; May 6, 9 a.m.-3 p.m.

Closed: May 5, 1 p.m.-5 p.m.

Contact: Ms. Sheila Harley Gardner, room 10A-10, Parklawn Building, Telephone (301) 443-3229.

Dated: March 31, 1992.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92-7746 Filed 4-2-92; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 92F-0045]

American Meat Institute; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the American Meat Institute, on behalf of the Ad Hoc Committee on Netting Materials, has filed a petition proposing that the food additive regulations be amended to provide for the safe use of single components of single-use rubber thread used in the processing and packaging of food, including meat and poultry.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B4312) has been filed by the American Meat Institute, 1700 North Moore St., suite 1600, Arlington, VA 22209, on behalf of the Ad Hoc Committee on Netting Materials. The petition proposes to amend the food additive regulations to provide for the safe use of natural rubber latex, ammonium caseinate, talc, an emulsion prepared from potassium hydroxide and oleic acid mixture, butylated reaction product of p-cresol and dicyclopentadiene, dipentamethylene thiram tetrasulfide, kaolin, 2,2'-methylene-bis(4-methyl-6-*tert*-butylphenol), sodium salts of polymerized alkyl-aryl sulfonic acids, potassium oleate, sodium naphthalene-sulfonate polycondensate, sulfur, and zinc dibenzyl dithiocarbamate as components of single-use rubber thread used in the processing and packaging of food, including meat and poultry.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: March 25, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7690 Filed 4-2-92; 8:45 am]

BILLING CODE 4160-01-M

Social Security Administration**Agency Forms Submitted to the Office of Management and Budget for Clearance**

AGENCY: Social Security Administration, Department of Health & Human Services.

Each Friday the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96-511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the

last list was published in the Federal Register on March 6, 1992.

(Call Reports Clearance Officer on (410) 965-4142 for copies of package)

1. (1) Request for Address Information from Motor Vehicle Records; and (2) Request for Address Information from Employment Commission Records—0960-0413—The information on forms SSA-71 and SSA-712 is used by the Social Security Administration to determine the current address for missing debtors. The respondents are State agencies which have entered into an agreement with SSA to provide this information.

Number of Respondents: 4,500.

Frequency of Response: 1.

Average Burden Per Response: 2 minutes.

Estimated Annual Burden: 150 hours.

2. Student's Statement Regarding School Attendance—0960-0105—The information on form SSA-1372 is used by the Social Security Administration to determine if a claimant is entitled to Social Security benefits as a student. The respondents are student claimants for Social Security benefits.

Number of Respondents: 200,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 33,333 hours

3. Time Report of Personal Services for Disability Determination Services—0960-0408—The information on form SSA-4514 is used by the Social Security Administration to collect data necessary for detailed analysis and evaluation of costs incurred by DDSs in making disability determinations. The respondents are State DDSs which make these determinations for SSA.

Number of Respondents: 54.

Frequency of Response: Quarterly.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 108 Hours.

OMB Desk Officer: Laura Oliven.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: March 30, 1992.

Charlotte Whitenight,

Acting Reports Clearance Officer Social Security Administration.

[FR Doc. 92-7641 Filed 4-2-92; 8:45-am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-72]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing-and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess of surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.C.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the *Federal Register*, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh Street SW, room 10319, Washington, DC 20590; (202) 366-4246; Dept. of Energy: Tom

Knox, Realty Specialist, AD223.1, 1000 Independence Avenue SW., Washington, DC 20585; (202) 588-1191; (These are not toll-free numbers).

Dated: March 27, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER FOR 04/03/92

Suitable/Available Properties

Buildings (by State)

Colorado

Bald Mountain Microwave Bldg.
Berthoud Co: Larimer CO 80513
Landholding Agency: Energy
Property Number: 419210001

Status: Excess

Comment: 223 sq. ft., most recent use—
communication equipment bldg, metal
frame, off-site removal only.

Suitable/Unavailable Properties

Buildings (by State)

Michigan

Power House Bldg.
Station Ludington
Ludington CO: Mason MI
Landholding Agency: DOT
Property Number: 879210124

Status: Underutilized

Comment: 420 sq. ft., 1 story brick frame,
potential utilities, most recent use—
storage.

[FR Doc. 92-7516 Filed 4-2-92; 8:45 am]

BILLING CODE 4210-29-M

**Office of the Assistant Secretary for
Housing-Federal Housing
Commissioner**

[Docket Nos. N-92-3231; FR-2986-N-02; N-92-3232; FR-2987-N-02; N-92-3267; FR-3068-N-02]

**Announcement of Funding Awards, for
Supportive Housing for Persons With
Disabilities, for the Elderly and for
Persons With Human Acquired
Immunodeficiency Virus (HIV)**

AGENCY: Office of the Assistant
Secretary for Housing-Federal Housing
Commissioner, HUD.

ACTION: Announcement of funding
awards.

SUMMARY: In accordance with section
102(a)(4)(C) of the Department of
Housing and Urban Development
Reform Act of 1989, this announcement
notifies the public of funding decisions
made by the Department as a result of
competitions for funding under the
following three notices of funding
availability: (1) Supportive Housing for
the Elderly, (2) Supportive Housing for
Persons with Disabilities, and (3)
Supportive Housing for Persons with
Disabilities—Set-aside for Persons
Disabled as a Result of Infection with
the Human Acquired Immunodeficiency
Virus (HIV). The announcement
contains the names and addresses of the
award winners for these three
competitions and the amounts of the
awards.

DATES: April 3, 1992.

FOR FURTHER INFORMATION CONTACT:
Robert W. Wilden, Director, Assisted
Elderly and Handicapped Housing
Division, Office of Elderly and Assisted
Housing, Department of Housing and
Urban Development, 451 Seventh Street,
SW., Washington, DC 20410, telephone
(202) 708-2730. The TDD number for the

hearing impaired is (202) 708-4594.
(These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The
purposes of these competitions was to
(1) provide assistance to private
nonprofit organizations and nonprofit
consumer cooperatives to expand the
supply of supportive housing for the
elderly; (2) provide assistance to private
nonprofit organizations to expand the
supply of supportive housing for persons
with disabilities; and (3) offer a set-
aside of units for housing for persons
disabled as a result of infection with the
HIV.

The 1991 awards announced in this
Notice were selected for funding in
competitions announced in **Federal
Register** notices published on June 12,
1991, at 56 FR 27126, 27093, and 27138.

A total of \$375,593,600 of capital
advances, with \$20,690,800 in project
rental assistance, was awarded to
Supportive Housing for the Elderly. A
total of \$85,315,300 of capital advances,
with \$5,169,500 in project rental
assistance, was awarded to Supportive
Housing for Persons with Disabilities. Of
this, \$12,360,000 of capital advances,
with project rental assistance of
\$728,300, was awarded to Supportive
Housing for Persons with Disabilities as
a Result of Infection with the Human
Acquired Immunodeficiency Virus
(HIV).

In accordance with section
102(a)(4)(C) of the Department of
Housing and Urban Development
Reform Act of 1989 (Pub. L. 101-235,
approved December 15, 1989), the
Department is publishing the names,
addresses, and amounts of those
awards, as set out at the end of this
Notice.

Dated: March 30, 1992.

Arthur J. Hill,

Assistant Secretary for Housing—Federal
Housing Commissioner.

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non- metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
Region: Boston State: CT Hartford	017-EE001/CT26-S911-0101, Bridgeport Roman Catholic Diocese, 238 Jewett Avenue, Bridgeport, CT 06606.	Bridgeport, CT.....	M		72	4949800	276600	
Hartford	017-EE002/CT26-S911-002, West Rock Development Corporation, 333 Valley Street, New Haven, CT 06515.	New Haven.....	M	2	41	2911500	157500	
Subsubtotal.....					2	113	7861300	434100

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
State: MD Baltimore.....	052-EE177/M006-S911-001, Associated Jewish Community Federation, 101 W. Mt. Royal Avenue, Baltimore, MD 21201.	Pikesville, MD.....	M.....			116	7021400	368000
Subsubtotal.....					1	116	7021400	368000
State: PA Pittsburgh.....	033-EE003/PA28-S911-003, WRC Rural Community Health Service, 51 Euclid Ave., Brookville, PA 15825.	Brookville, PA.....	NM.....			57	3192400	165500
Pittsburgh.....	033-EE008/PA28-X911-008, Action Housing, Inc., Two Gateway Ctr, 10th Floor, Pittsburgh, PA 15222.	Dormont, PA.....	M.....			43	2399200	127100
Philadelphia.....	034-EE001/PA26-S911-001, Federation Housing, Inc., 8900 Roosevelt Blvd., Philadelphia, PA 19115.	Philadelphia, PA.....	M.....			107	7272700	408200
Philadelphia.....	034-EE003/PA26-S911-003, Galilee Village, Inc., 17 Penn Valley Road, Levittown, PA 19054.	Morrisville, PA.....	M.....			50	2817200	190700
Philadelphia.....	034-EE007/PA26-S911-007, Philadelphia Presbytery Homes, Inc., #1 Aldwyn Center, Villanova, PA 19085.	Philadelphia, PA.....	M.....			100	6811600	381500
Subsubtotal.....					5	357	22493100	1273000
State: VA Richmond.....	051-EE007/VA36-5911-007, Golden Age Christian Home, Inc., P.O. Box 247, Mechanicsville, VA 23111.	Mechanicsville, VA ..	M.....			72	3513800	204200
Richmond.....	051-EE008/VA36-S911-008, John H. Wellons Foundation, PO Box 1254, Dunn, NC 28334.	Southampton County, VA.	NM.....			40	1952100	113400
Richmond.....	051-EE009/VA36-S911-009, Norfolk Urban Outreach Ministry, 1301 Colley Avenue, Norfolk, VA 23517.	Emporia, VA.....	NM.....			71	3636400	201400
Subsubtotal.....					3	183	9102300	519000
Subtotal.....					10	705	41418300	2325100
Region: Atlanta								
State: AL Birmingham.....	062-EE001/AL09-S911-001, Volunteers of America, 3813 N. Causeway Blvd., Metairie, LA 70002.	Guntersville, AL.....	NM.....			45	1978000	111800
Birmingham.....	062-EE002/AL09-S911-002, Mars Hill Bible Sch & Lauderdale Chr. N/Home, 698 Cox Creek Parkway, Florence, AL 35630.	Florence, AL.....	M.....			41	1696200	101600
Birmingham.....	062-EE003/AL09-S911-003, S. Central Conference of 7th Day Adventists, 715 Young's Lane, Nashville, TN 37202.	Huntsville, AL.....	M.....	2		76	3340600	193100
Birmingham.....	062-EE005/AL09-S911-005, Baptist Hospital of Gadsden, Inc., 1007 Goodyear Avenue, Gadsden, AL 35999.	Gadsden, AL.....	M.....			55	2328700	139700
Subsubtotal.....					4	217	9343500	546200
State: FL Jacksonville.....	066-EE002/FL29-S911-008, Diocese of Venice, 1000 Pinebrook Rd., Venice, FL 34292.	Charlotte County, FL.....	NM.....			55	2957100	147300
Jacksonville.....	066-EE003/FL29-S911-012, Diocese of Palm Beach, 9995 N. Military Trail, Palm Beach Gardens, FL 33401.	Riviera Beach, FL.....	M.....			85	4668200	225000
Jacksonville.....	067-EE003/FL29-S911-004, Diocese of Venice, 1000 Pinebrook Rd., Venice, FL 34292.	Sarasota, FL.....	M.....			52	2426600	122900
Jacksonville.....	067-EE008/FL29-S911-010, Goodwill Industries-Suncoast, Inc., P.O. Box 14456, St. Petersburg, FL 33733.	Pinellas County, FL ..	M.....			94	4386600	222300
Subsubtotal.....					4	286	14438500	717500

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
State: GA								
Atlanta	061-EE005/GA06-S911-005, Quality Living Services, 3605 Campbellton Road, S, Atlanta, GA 30331.	Atlanta, GA	M		2	120	5478100	307100
Atlanta	061-EE006/GA06-S911-006, United Church Homes, 170 East Center Street, Marion, OH 43302.	Clarke County, GA	M			50	2394300	126400
Subsubtotal					2	170	7872400	433500
State: KY								
Louisville	083-EE009/KY36-S911-009, Pleasure Valley Lions Club, 4949 Terry Road, Louisville, KY 40216.	Louisville, KY	M			40	1939200	109500
Subsubtotal					1	40	1939200	109500
State: MS								
Jackson	065-EE001/MS26-S911-001, United Church Homes, 170 East Center Street, Marion, OH 43302.	Corinth, MS	NM			40	1732400	104000
Jackson	065-EE003/MS26-S911-003, Catholic Diocese of Biloxi, P.O. Box 1189, Biloxi, MS 39533.	Petal, MS	NM			33	1438100	85800
Jackson	065-EE004/MS26-S911-004, Mt. Carmel Missionary Baptist Church, 621 Mobile Street, Hattiesburg, MS 39401.	Hattiesburg, MS	NM	2		24	1039400	62400
Subsubtotal					3	97	4209900	252200
State: NC								
Greensboro	053-EE001NC19-S911-001, Winston-Salem Housing Foundation, Inc., 411 North Cherry St., Winston-Salem, NC 27101.	Winston-Salem, NC	M			42	2201400	115000
Greensboro	053-EE002/NC19-S911-002, John H. Wellons Foundation, PO Box 1254, Dunn, NC 28334.	Dunn, NC	NM			36	1931500	98600
Greensboro	053-EE003/NC19-S911-003, First Presbyterian Church of Concord, PO Box 789, Concord, NC 28025.	Concord, NC	M			40	2068500	109500
Greensboro	053-EE004/NC19-S911-004, Shelby Lions Club, PO Box 880, Shelby, NC 28150.	Shelby, NC	NM			48	2482200	131400
Greensboro	053-EE006/NC19-S911-006, Downtown Housing Improvement Corporation, PO Box 2185, Raleigh, NC 27602.	Garner, NC	M			41	2199700	109500
Greensboro	053-EE009/NC19-S911-009, Roanoke Amaranth Community Health Group, PO Box 644, Jackson, NC 27845.	Jackson, NC	NM			10	546200	27300
Subsubtotal					6	217	11429500	591300
State: SC								
Columbia	054-EE002/SC16-S911-002, Little Pee Dee Missionary Baptist Assoc., PO Box 461, Marion, SC 29571.	Marion County, SC	NM	2		53	2346800	132100
Columbia	054-EE003/SC16-S911-003, Orangeburg Calhoun Allendale Bamberg CAA, PO Box 710, Orangeburg, SC 29116.	Bamberg, SC	NM	2		36	1605700	91400
Subsubtotal					2	89	3952500	223500
State: TN								
Knoxville	087-EE001/TN37-S911-001, Douglas Cherokee Economic Authority, PO Box 1218, Morristown, TN 37816.	Oak Ridge, TN	M			41	1824600	100800
Subsubtotal					1	41	1824600	100800
State: VI								
Caribbean	056-EE001/VQ46-S911-001, Lutheran Soc. Services of the Virgin Islands, PO Box 866, Frederiksted, St Crx, VI 00841.	St. Thomas, VI	NM			42	254200	106700
Subsubtotal					1	42	254200	106700
Subtotal					24	1199	57552300	3081200

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
Region: Chicago								
State: IL								
Chicago	071-EE019/IL06-S911-019, Lutheran Social Services, 1001 E. Touhy, Desplaines, IL 60018.	Chicago, IL	M			81	3844900	245900
Subsubtotal					1	81	3844900	245900
State: IN								
Indianapolis	073-EE001/IN36-S911-001, The Salvation Army, 800 North Dearborn Street, Chicago, IL 60610.	Indianapolis, IN	M			75	3550600	215700
Indianapolis	073-EE003/IN36-S911-003, United Church Homes, 170 East Center Street, Marion, OH 43302.	Goshen, IN	M			41	1951200	116600
Subsubtotal					2	116	5501800	332300
State: MI								
Detroit	044-EE001/MI28-S911-001, Greater Grace Temple, Seven Mile Rd & Shiawassee, Detroit, MI 48225.	Detroit, MI	M	2		89	5309800	287800
Detroit	044-EE002/MI28-S911-002, Cooperative Services, Inc., 25900 Greenfield Rd., Oak Park, MI 48231.	Ecorse, MI	M			80	4774100	258400
Detroit	044-E011/M128-S911-011, Sisters, Servants of the Immaculate Heart, 610 W Elm, Monroe, MI 48161.	Detroit, MI	M			80	4774100	258400
Grand Rapids	047-EE001/MI33-S911-001, Five Cap, Inc., 302 N. Main St., Scottville, MI 49454.	Ludington, MI	NM			24	1163500	65200
Subsubtotal					4	273	16021500	869800
State: MN								
Minneapolis	092-EE004/MN46-S911-004, Westminster Corporation, 328 West Kellogg Blvd., St. Paul MN 55102.	Oakdale, MN	M			50	3022600	158600
Minneapolis	092-EE005/MN46-S911-005, Guardian Angels Foundation, 300 Evans Avenue, Elk River, MN 55330.	Elk River, MN	M			53	3023200	168100
Subsubtotal					2	103	6045800	326700
State: OH								
Cleveland	042-EE002/OH12-S911-002, National Church Residences, 2335 North Bank Drive, Columbus, OH 43220.	Findlay, OH	NM			37	1864200	121000
Cleveland	042-EE004/OH12-S911-004, Saint Charles Hospital, 2600 Navarre, Oregon, OH 43616.	Oregon, OH	M			50	2874300	163500
Cleveland	042-EE005/OH12-S911-005, Erie Huron Community, 908 South Depot Street, Sandusky, OH 44870.	Willard, OH	NM			36	1899100	117700
Cleveland	042-EE006/OH12-S911-006, Erie Huron Community, 908 South Depot Street, Sandusky, OH 44870.	Sandusky, OH	NM			29	1593400	94800
Cleveland	042-EE008/OH12-S911-008, Zoar Lutheran Church, 314 E Indiana Avenue, Perrysburg, OH 43551.	Perrysburg, OH	M			50	2747200	163500
Cleveland	042-EE010/OH12-S911-010, United Church Homes, 170 East Center Street, Marion, OH 43302.	Brilliant, OH	M			40	2068500	130800
Cleveland	042-EE011/OH12-S911-011, United Church Homes, 170 East Center Street, Marion, OH 43302.	Ashland, OH	NM			37	1957000	121000
Columbus	043-EE001/OH16-S911-001, National Church Residences, 2335 North Bank Drive, Columbus, OH 43220.	Chillicothe, OH	NM			46	2438000	133200

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
Columbus	043-EE002/ OH16-S911-002, National Church Residences, 2335 North Bank Drive, Columbus, OH 43220.	Columbus, OH	M			55	2912800	159300
Columbus	043-EE004/ OH16-S911-004, Jewish Community Senior Citizens Housing, 1145 College Avenue, Columbus, OH 43209.	Bexley, OH	M			40	2110100	115800
Columbus	043-EE008/ OH16-S911-008, Churches United for Senior Housing, 158 E. Union Street, Circleville, OH 43113.	Ashville, OH	M			41	2162800	118700
Columbus	043-EE010/ OH16-S911-010, United Church Homes, 170 East Center Street, Marion, OH 43302.	North Lewisburg, OH.	NM			40	2110100	115800
Columbus	043-EE012/ OH16-S911-012, United Church Homes, 170 East Center Street, Marion, OH 43302.	Bellefontaine, OH	NM			46	2438000	133200
Subtotal					13	547	29175500	1688300
State: WI								
Milwaukee	075-EE004/WI39-S911-004, Lutheran Social Services, 3200 West Highland Blvd., Milwaukee, WI 53208.	New Berlin, WI	M			48	2645700	139800
Subtotal					1	48	2645700	139800
Subtotal					23	1168	63235200	3602800
Region: Fort Worth								
State: AR								
Little Rock	082-EE002/AR37-S911-002, Area Agency on Aging of N.W. Arkansas, Inc., P.O. Box 1795, Harrison, AR 72601.	Gentry, AR	NM			20	827400	46900
Little Rock	082-EE003/AR37-S911-003, Area Agency on Aging of S.E. Arkansas, Inc., P.O. Box 8569, Pine Bluff, AR 71611.	Wilmot, AR	NM			16	661900	35200
Little Rock	082-EE004/AR37-S911-004, Area Agency on Aging of S.E. Arkansas, Inc., P.O. Box 8569, Pine Bluff, AR 71611.	Pine Bluff, AR	M			41	1696200	96100
Little Rock	082-EE005/AR37-S911-005, White River Area Agency on Aging, P.O. Box 2637, Batesville, AR 72503.	Kensett, AR	NM			20	827400	56900
Little Rock	082-EE006/AR37-S911-006, White River Area Agency on Aging, P.O. Box 2637, Batesville, AR 72503.	Bradford, AR	NM			16	661900	37500
Little Rock	082-EE008/AR37-S911-008, Diocese of Little Rock, 2415 North Tyler, Little Rock, AR 72207.	Palestine, AR	NM			20	827400	46900
Little Rock	082-EE009/AR37-S911-009, Diocese of Little Rock, 2415 North Tyler, Little Rock, AR 72207.	Strong, AR	NM			20	827400	46900
Little Rock	082-EE013/AR37-S911-013, Crowley's Ridge Development Council, Inc., P.O. Box 1497, Jonesboro, AR 72403.	Leachville, AR	NM			20	827400	46900
Little Rock	082-EE014/AR37-S911-014, Area Agency on Aging of S.E. Arkansas, Inc., P.O. Box 8569, Pine Bluff, AR 71611.	Sheridan, AR	NM			16	661900	37500
Little Rock	082-EE016/AR37-S911-016, Area Agency on Aging of W. Central Ark., Inc. 624 Malvern Avenue, Hot Springs, AR 71991.	Casa, AR	NM			10	413700	23400
Little Rock	082-EE017/AR37-S911-017, Congregate Housing, Inc., 1590 College Avenue, Batesville, AR 72501.	Batesville, AR	NM			20	827400	46900
Little Rock	082-EE018/AR37-S9011-018, Diocese of Little Rock, 2415 North Tyler, Little Rock, AR 72207.	Monette, AR	NM			20	827400	46900
Subtotal					12	239	9887400	558000

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
State: LA								
New Orleans.....	064-EE001/LA48-S911-001, Presbytery of South Louisiana, 928 Rodin Street, Baton Rouge, LA 70806.	Hammond, LA.....	NM			14	638000	37800
New Orleans.....	064-EE004/LA48-S911-004, Our Lady of the Lake Hospital, Inc., 7777 Hennessy Blvd., Baton Rouge, LA 70808.	Baton Rouge, LA....	M			67	3194600	180900
New Orleans.....	064-EE005/LA48-S911-005, Church of the Holy Cross, Episcopal, 875 Green Street, Shreveport LA 71101.	Shreveport LA.....	M			48	2001300	117200
Subsubtotal.....					3	129	5833900	335900
State: TX								
Fort Worth.....	112-EE003/TX16-S911-003, Sun Ray Chinese School, 148 Red Oak Lane, Flower Mound, TX 75028.	Richardson, TX.....	M	5		50	2352900	136900
Fort Worth.....	113-EE001/TX16-S911-005, Isadore Garsek Lodge, B'Nai B'rith, 6513 Wrigley Way, Fort Worth, TX 76133.	Fort Worth, TX.....	M			60	2891500	164300
Houston.....	114-EE006/TX24-S911-006, The Salvation Army, 1424 Northeast Expressway, Atlanta, GA 30329.	Houston, TX.....	M			64	3127000	174000
San Antonio.....	115-EE001/TX59-S911-001, The Rural Economic Assistance League, Inc., 1300 Wyoming St., Alice, TX 78332.	San Diego, TX.....	NM	4		36	2083400	88200
San Antonio.....	115-EE002/TX59-S911-002, Amigos Del Valle, Inc., 1116 North Conway Avenue, Mission, TX 78572.	Mercedes, TX.....	M	4		40	1612400	100800
Subsubtotal.....					5	250	12067200	664200
Subtotal.....					20	618	27788500	1558100
Region: Kansas City								
State: IA								
Des Moines.....	074-EE002/IA05-S912-002, Hawkeye Area Community Action Program, P.O. Box 789, Cedar Rapids, IA 52406.	Marion, IA.....	M			54	2702500	141000
Des Moines.....	074-EE003/IA05-S911-003, Luther Manor of Scott County, 1510 Broadview, Bettendorf, IA 52722.	Bettendorf, IA.....	M			47	247600	125000
Des Moines.....	074-EE004/IA05-S911-004, Cedar Rapids Chamber of Commerce, 424 First Avenue, N.E., Cedar Rapids, IA 52401.	Cedar Rapids, IA.....	M			54	2702500	143600
Subsubtotal.....					3	155	7852600	409600
State: KS								
Kansas City.....	102-EE004/KS18-S911-005, Antioch Missionary Baptist Church, 1100 Washington, Topeka, KS 66603.	Topeka, KS.....	M	2		41	1855200	107400
Subsubtotal.....					1	41	1855200	107400
State: NE								
Omaha.....	103-EE002/NE26-S911-002, Evangelical Lutheran Good Samaritan Society, 1000 West Avenue North, Sioux Falls, SD 57117.	Kearney, NE.....	NM			22	999100	58900
Subsubtotal.....					1	22	999100	58900
Subtotal.....					5	218	10706900	575900
Regional: Denver								
State: CO								
Denver.....	101-EE001/CO99-S911-001, Volunteers of America, 3813 N. Causeway Blvd., Metairie, LA 70002.	Grand Junction, CO.	NM			60	3196900	170900
Denver.....	101-EE002/CO99-S911-002, Pueblo Senior Citizens Resource Dev'l. Agency, 228 N. Union Avenue, Pueblo, CO 81003.	Pueblo, CO.....	M			45	2339300	127400
Subsubtotal.....					2	105	5536200	298300

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
Subtotal					2	105	5536200	298300
Region: San Francisco								
State: AZ								
Phoenix	123-EE001/AZ20-S911-001, Arizona Christian Ret. Home Society, Inc., P.O. Box 44755, Phoenix, AZ 85064.	Scottsdale, AZ	M			47	2141800	123200
Phoenix	123-EE002/AZ20-S911-002, B'Nai Brith Lodge #763/B'Nai Brith H9G, Inc., 1512 W. Sendero Cuatro, Tucson, AZ 85704.	Tucson, AZ	M			79	3477000	208900
Subsubtotal					2	126	5618800	332100
State: CA								
San Francisco	121-EE001/CA39-S911-001, Mexican American Community Services (MACSA), 130 North Jackson Avenue, San Jose, CA 95116.	San Jose, CA	M	4		43	2849700	159700
San Francisco	121-EE005/CA39-S911-004, Pittsburg Sr. & Hdcp Residential Comm., Inc., 390 E. Leland Road, Pittsburg, CA 94565.	Pittsburg, CA	M	2		60	3936100	228100
San Francisco	121-EE008/CA39-S911-007, Catholic Charities of San Francisco, 3180 18th Street, San Francisco, CA 94110.	Pacifica, CA	M			42	2826600	155900
San Francisco	121-EE012/CA39-S911-011, Community Housing, Inc., 656 Lytton Avenue, Palo Alto, CA 94301.	Palo Alto, CA	M			51	3178200	190100
Los Angeles	122-EE002/CA16-S911-002, Telacu, 5400 E. Olympic Blvd., Los Angeles, CA 90022.	National City, CA	M	4		76	5165700	250200
Los Angeles	122-EE004/CA16-S911-004, Southern California Presbyterian Homes, 111 North Brand Blvd., Glendale, CA 91205.	Los Angeles County, CA	M			64	4386400	229200
Los Angeles	122-EE005/CA16-S911-005, The Salvation Army, 30840 Hawthorne Bl., Rancho Palos Verde, CA 90274.	Los Angeles, CA	M			99	6777200	356600
Los Angeles	122-EE007/CA16-S911-007, Telacu, 5400 E. Olympic Blvd., Los Angeles, CA 90022.	Los Angeles, CA	M	4		100	6762500	360300
Los Angeles	122-EE017/CA16-S911-017, National Council of Senior Citizens, 1331 F Street NW, Washington, DC 20004.	Bell, CA	M			72	4932900	258300
Sacramento	136-EE002/CA30-S912-002, Volunteers of America, 3813 N. Causway Blvd., Metairie, LA 70002.	Rocklin, CA	M			43	2433700	143100
Subsubtotal					10	650	43249000	2331500
State: HI								
Honolulu	140-EE001/HI10-S911-001, Big Island Housing Foundation, 101 Aupuni Street, Hilo, HI 96720.	Walmea, HI	NM	5		40	4093400	163900
Honolulu	140-EE002/HI10-S911-002, Pacific Housing Assistance Corporation, 677 Ala Moana Blvd., Honolulu, HI 96813.	Honolulu, HI	M	5		40	4283700	163900
Subsubtotal					2	80	8377100	327800
Subtotal					14	856	57244900	2991400
Region: Seattle								
State: AK								
Anchorage	176-EE001/AK06-S911-001, North Star Council on Aging, 1424 Moore Street, Fairbanks, AK 99701.	Fairbanks, AK	NM			20	1525000	108500
Subsubtotal					1	20	1525000	108500
State: ID								
Portland	124-EE002/ID16-S911-002, Episcopal Diocese of Spokane, East 245 13th Avenue, Spokane, WA 99202.	Post Falls, ID	NM			35	1301900	96500
Subsubtotal					1	35	1301900	96500

SECTION 202 PROGRAM FOR THE ELDERLY, FISCAL YEAR 1991 SELECTIONS (TO ACCOMPANY HUD 92-17)—Continued

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	Number of projects	Units	Capital grant amount	Rental assistance contract auth
State: OR Portland.....	126-EE002/OR16-S911-002, Rogue Valley Manor, 1200 Mira Mar Avenue, Medford, OR 97504.	Myrtle Creek, OR.....	NM			40	1609600	113400
Portland.....	126-EE003/OR16-S911-003, Rogue Valley Manor, 1200 Mira Mar Avenue, Medford, OR 97504.	Bend, OR.....	NM			58	2333900	164500
Portland.....	126-EE006/OR16-S911-006, Sis- ters of Providence in Oregon, 520 Pike Street, Seattle, WA 98111.	Portland, OR.....	M			40	1890300	113400
Subsubtotal.....					3	138	5833800	391300
State: WA Seattle.....	127-EE004/WA19-S911-004, Swan Memorial Housing, P.O. Box 160, Selah, WA 98942.	Yakima, WA.....	M			45	2530700	135700
Subsubtotal.....					1	45	2530700	135700
Subtotal.....					6	238	11191400	732000
Total.....					121	6432	375593600	20690800

SECTION 811 PROGRAM FOR PERSONS WITH DISABILITIES—FISCAL YEAR 1991 SELECTIONS

Includes "HIV" Set-Aside Selections; To Accompany HUD 92-181

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	No. of projects	Units	Tenant type	Capital grant amount	Rental assistance contr auth
State: Massachusetts									
Boston.....	023-HD001/MA06-Q911-001, Mental Health Association of Springfield, 146 Chestnut Street, Springfield, MA 01103.	East Longmeadow, MA.....	.....	.....	4	WDD.....	275400	17100	
Boston.....	023-HD002/MA06-Q911-002, North Suffolk Mental Health, 301 Broadway, Chelsea, MA 02150.	East Boston, MA.....	.....	.....	8	CMI.....	331200	34200	
Boston.....	023-HD003/MA06-Q911-003, Community Care Mental Health Center, 273 State Street, Springfield MA 01103.	Springfield, MA.....	.....	.....	15	CMI.....	355600	64100	
Boston.....	023-HD006/MA06-Q911-006, Mental Health Association of Springfield, 146 Chestnut Street, Springfield, MA 01103.	West Springfield, MA.....	.....	.....	3	CMI.....	248400	12800	
Boston.....	023-HD009/MA06-Q911-009, Cambridge & Somerville Cooperative Apt. Proj. 678 Mass Avenue, Cambridge, MA 02139.	Somerville, MA.....	.....	.....	10	CMI.....	678600	38400	
Boston.....	023-HD010/MA06-Q911-010, Cambridge & Somerville Cooperative Apt. Proj. 678 Mass Avenue, Cambridge, MA 02139.	Cambridge, MA.....	.....	.....	8	HIV.....	353000	34200	
Boston.....	023-HD011/MA06-Q911-011, Rogerson House, 434 Jamaiway, Boston, MA 02130.	Boston, MA.....	.....	.....	20	HIV.....	1704300	102000	
Boston.....	023-HD012/MA06-Q911-012, Community Mental Health, P.O. Box 228, Greenlawn St, Worcester, MA 01606.	Worcester, MA.....	.....	.....	8	CMI.....	315400	34200	
Boston.....	023-HD014/MA06-Q911-014, New England Housing for the Deaf, 154 Water Street, Danvers, MA 01923.	Danvers, MA.....	.....	.....	24	WPH.....	1704300	98300	
Subtotal.....	.....	.....	.....	.....	9	100.....	6006200	495300	
Subtotal.....	.....	.....	.....	.....	9	100.....	6006200	435300	
Region: Boston									
Region: New York									
State: New York									
Newark.....	031-HD001/NJ39-Q911-001, Straight and Narrow, Inc., 396 Straight Street, Paterson, NJ 07501.	Paterson, NJ.....	.....	.....	24	HIV.....	1704300	101200	
Newark.....	031-HD002/NJ39-Q911-002, Cerebral Palsy of Essex and West Hudson, #7 Sanford Avenue, Belleville, NJ 07108.	Bloomfield TWP, NJ.....	.....	.....	7	WDD.....	334100	25300	
Newark.....	031-HD003/NJ39-Q911-003, Spectrum for Living Group Homes, Inc., 210 Rivervale Rd., River Vale, NJ 07675.	Rivervale TWP, NJ.....	.....	.....	17	WDD.....	1377700	71700	
Newark.....	031-HD004/NJ39-Q911-004, Assoc for Retarded Citizens-Union County, 1225 South Avenue, Plainfield, NJ 07062.	Scotch Plains TWP, NJ.....	.....	.....	9	WDD.....	353000	33700	
Newark.....	031-HD005/NJ39-Q911-005, Collaborative Support Programs of New Jersey, #5 Route 33, Freehold, NJ 07728.	Asbury Park, NJ.....	.....	.....	3	CMI.....	260900	12600	
Newark.....	031-HD006/NJ39-Q911-006, Assoc for Retarded Citizens-Raritan Valley, 1100 Conwall Road, Monmouth Junction, NJ 08852.	Monroe TWP, NJ.....	.....	.....	5	WDD.....	315900	21100	
Newark.....	035-HD001/NJ39-Q911-007, Assoc For Retarded Citizens-Mercer County, 600 New York Avenue, Trenton, NJ 08638.	Lawrence TWP, NJ.....	.....	.....	5	WDD.....	306400	19100	
Newark.....	035-HD002/NJ39-Q911-008, Collaborative Support Programs of New Jersey, #5 Route 33, Freehold, NJ 07728.	Ventnor, NJ.....	.....	.....	3	CMI.....	252200	11400	
Newark.....	035-HD003/NJ39-Q911-009, Collaborative Support Programs of New Jersey, #5 Route 33, Freehold, NJ 07728.	Brick Twp, NJ.....	.....	.....	3	CMI.....	252200	11400	
Subtotal.....	.....	.....	.....	.....	9	76.....	5156700	307500	
State: New York									
New York.....	012-HD004/NY36-Q911-004, Roman Catholic Diocese of Rockville Centre, 50 North Park Avenue, Rockville Centre, NY 11570.	Lake Grove, NY.....	.....	.....	31	WPD.....	2680300	131000	
New York.....	012-HD006/NY36-Q911-006, The Bridge Inc., 248 W. 108th St., New York, NY 10025.	New York-Manhattan, NY.....	.....	.....	17	CMI.....	1231400	69800	
Buffalo.....	014-HD001/NY06-Q911-001, Easter Seal Society of Monroe County, Inc., 328 E. Main St, Rochester, NY 14620.	Rochester, NY.....	.....	.....	24	WPD.....	1361300	76600	
Buffalo.....	014-HD004/NY06-Q911-004, Continuing Developmental Services, Inc., 71 Perinton Pkwy, Fairport, NY 14450.	Henetta, NY.....	.....	.....	7	WDD.....	309700	33300	

Subsubtotal.....				4	79.....	5562700	
Subtotal.....				13	155.....	1079400	310700
State: Delaware							618200
Philadelphia.....	032-HD001/DE28-Q911-001, Alliance for the Mentally Ill in Delaware, 2500 W. 4th Street, Wilmington, DE 19805.	Wilmington, DE	M.....	13	CMI.....	923600	43800
Philadelphia.....	032-HD002/DE28-Q911-002, Ken Crest Centers, 200 One Plymouth Meeting, Plymouth Meeting, PA 19462.	Dover, DE	NM.....	20	WDD.....	822100	57200
Subsubtotal.....				2	33.....	1745700	101000
State: Maryland							
Washington.....	000-HD001/MD39-Q911-001, Volunteers of America, 3813 N. Causeway Boulevard, Metairie, LA 70002.	Prince George's Co, MD.	M.....	15	CMI.....	276900	48400
Washington.....	000-HD002/MD39-Q911-002, (Volunteers of America, 3813 N. Causeway Boulevard, Metairie, LA 70002.	Prince George's Co, MD.	M.....	10	CMI.....	238800	32300
Subsubtotal.....				2	25.....	510700	80700
State: Pennsylvania							
Pittsburgh.....	033-HD002/PA28-Q911-002, Action Housing, Inc., #2 Gateway Center, Pittsburgh, PA 15222.	Pittsburgh, PA	M.....	20	WPD.....	1316100	59100
Pittsburgh.....	033-HD006/PA28-Q911-006, Pittsburgh Mercy Health System, Inc., 1350 Locust Street, Pittsburgh, PA 15219.	Pittsburgh, PA	M.....	25	WPD.....	1443100	70900
Philadelphia.....	034-HD004/PA28-Q911-004, Bell Socialization Services, Inc., 261 E Philadelphia St, York, PA 17403.	York, PA	M.....	7	CMI.....	391200	25500
Philadelphia.....	034-HD009/PA28-Q911-008, Ken Crest Centers, 200 One Plymouth Meeting, Plymouth Meeting, PA 19462.	Upper Pottsgrove Twp, PA.	M.....	15	WDD.....	830500	45700
Subsubtotal.....				4	67.....	3980900	201200
State: Virginia							
Washington.....	000-HD003/VA39-Q911-001, Pathway Homes, Inc., 2771 Hartland Road, Falls Church, VA 22043.	Fairfax, VA	M.....	3	CMI.....	173900	9600
Richmond.....	051-HD003/VA36-Q911-003, Virginia Mountain Housing, Inc., 930 Cambria Street, Christiansburg, VA 24703.	Pulaski, VA	NM.....	12	CMI.....	625800	34000
Richmond.....	051-HD005/VA36-Q911-005, VA United Methodist Housing Development Corp., 308 Hanover Street, Frederickburg, VA 22401.	Spotsylvania county, VA.	NM.....	6	WDD.....	235100	17000
Richmond.....	051-HD006/VA36-Q911-006, Arc Peninsula, 51 Battle Road, Hampton, VA 23666.	Newport News, VA	M.....	5	WDD.....	221500	14100
Subsubtotal.....				4	26.....	1256300	74700
State: West Virginia							
Charleston.....	045-HD002/WV15-Q911-002, Northern Panhandle Behavioral Health Center, 2121 Eoff Street, Wheeling, WV 26003.	Wheeling, WV	M.....	11	CMI.....	591400	33600
Charleston.....	045-HD003/WV15-Q911-003, Presbyterian Center for Mental Health, University Heights, Rt. 60 East, Huntington, WV 25705.	Huntington, WV	M.....	7	CMI.....	229100	18300
Subsubtotal.....				2	18.....	820500	51900
Subtotal.....				14	169.....	8314100	509500
State: Alabama							
Birmingham.....	062-HD001/AL09-Q911-001, Volunteers of America, 3813 North Causeway Blvd, Metairie, LA 70002.	Foley, AL	M.....	21	CMI.....	895900	50800
Birmingham.....	062-HD002/AL09-Q911-002, Volunteers of America, 3813 Decatur, AL	NM.....	9	WDD.....	228600	20300	
Birmingham.....	062-HD004/AL09-Q911-004, Community Services Program of West Alabama, 601 17th Street, Tuscaloosa, AL 35401.	Tuscaloosa, AL	M.....	14	CMI.....	688800	33000
Birmingham.....	062-HD005/AL09-Q911-005, ARC Inc. of Jefferson County, 215 21st Ave So, Birmingham, AL 35205.	Hoover, AL	M.....	10	WDD.....	249200	25400
Birmingham.....	062-HD006/AL09-Q911-006, Community Services Program of West Alabama, 601 17th St, Tuscaloosa, AL 35401.	Tuscaloosa, AL	M.....	5	WDD.....	206800	12700

SECTION 811 PROGRAM FOR PERSONS WITH DISABILITIES—FISCAL YEAR 1991 SELECTIONS—Continued

[Includes "HIV" Set-Aside Selections; To Accompany HUD 92-18]

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	No. of projects	Units	Tenant type	Capital grant amount	Rental assistance contr auth
Birmingham.....	062-HD008/AL09-Q911-008, ARC—Fayette & Lamar Counties, Inc., 1428 South Temple Ave, Fayette, AL 35655.	Vernon, AL.....	NM.....			13	WDD.....	246100	30400
Subsubtotal.....						6	72.....	2465400	172800
State: Florida									
Jacksonville.....	063-HD001/FL29-Q911-002, Cerebral Palsy of Jacksonville, Inc., 3311 Beach Blvd., Jacksonville, FL 32207.	Jacksonville, FL.....	M.....			6	WDD.....	216500	15000
Jacksonville.....	066-HD004/FL29-Q911-008, AIDS Help, Inc. of Monroe County, P.O. Box 4374, Key West, FL 33041.	Key West, FL.....	NM.....			3	HIV.....	171600	8000
Jacksonville.....	067-HD005/FL29-Q911-013, Citrus County Assoc. for Retarded Citizens, 1315 N. Van Norwick Rd., Lecanto, FL 32681.	Inverness, FL.....	NM.....			14	WDD.....	429800	28300
Subsubtotal.....									
State: Georgia									
Atlanta.....	061-HD005/GA06-Q911-005, Association for Retarded Citizens Macon, 4664 Sheridon Drive, Macon, GA 31210.	BBB County, GA.....	M.....				8DWDD.....	36280	15400
Atlanta.....	061-HD006/GA06-Q911-006, Murray County Assoc. for Retarded Citizens, 735 West Chestnut Street, Chatsworth, GA 30705.	Chatsworth, GA.....	NM.....			5	WDD.....	194100	12300
Atlanta.....	061-HD007/GA06-Q911-007, Glynn Paton Foundation, 2809 Fourth Street, Brunswick, GA 31520.	Glynn County, GA.....	NM.....			5	WDD.....	194100	10300
Subsubtotal.....									
State: Kentucky									
Louisville.....	083-HD009/KY36-Q911-009, Contact, Inc., 101 St. Clair, Frankfort, KY 40601.	Frankfort, KY.....	NM.....			4	WDD.....	18300	8200
Louisville.....	083-HD010/KY36-Q911-010, Contact, Inc., 101 St. Clair, Frankfort, KY 40601.	Frankfort, KY.....	NM.....			4	WDD.....	18300	8200
Louisville.....	083-HD011/KY36-Q911-011, Contact, Inc., 101 St. Clair, Frankfort, KY 40601.	Frankfort, KY.....	NM.....			4	WDD.....	18300	8200
Louisville.....	083-HD014/KY36-Q911-014, Contact, Inc., 101 St. Clair, Frankfort, KY 40601.	Frankfort, KY.....	NM.....			4	WDD.....	18300	8200
Louisville.....	083-HD015/KY36-Q911-015, Contact, Inc., 101 St. Clair, Frankfort, KY 40601.	Frankfort, KY.....	NM.....			4	WDD.....	18300	8200
Subsubtotal.....						5	20.....	966000	41000
State: North Carolina									
Greensboro.....	053-HD001/NC19-Q911-001, ARC/NC, Inc. & ARCH/HDS, Inc., 16 Rowan Street, Raleigh, NC 27609.	Durham, NC.....	M.....			7	WDD.....	258500	18400
Greensboro.....	053-HD003/NC19-Q911-003, ARC/NC, Inc. & ARCH/HDS, Inc., 16 Rowan Street, Raleigh, NC 27609.	Gates County, NC.....	NM.....			7	WDD.....	263200	18400
Greensboro.....	053-HD004/NC19-Q911-004, ARC/NC, Inc. & ARCH/HDS, Inc., 16 Rowan Street, Raleigh, NC 27609.	Conover, NC.....	M.....			7	WDD.....	249200	18400
Greensboro.....	053-HD006/NC19-Q911-006, Goodwill Industries, P.O. Box 668768, Charlotte, NC 28268.	Charlotte, NC.....				7	WDD.....	249200	18400
Greensboro.....	053-HD005/NC19-Q911-005, Autism Society of North Carolina, Inc., 3300 Womans Club Drive, Raleigh, NC 27612.	Winston Salem, NC.....	M.....			7	WDD.....	241400	16400
Greensboro.....	053-HD007/NC19-Q911-007, Autism Society of North Carolina, Inc., 3300 Womans Club Drive, Raleigh, NC 27612.	Greensboro, NC.....	M.....			7	WDD.....	241400	16400
Greensboro.....	053-HD009/NC19-Q911-008, Mental Health Association In NC, Inc., 115-12 West Morgan Street, Raleigh, NC 27601.	Spencer, NC.....	M.....			11	CMI.....	568800	27300
Greensboro.....	053-HD010/NC19-Q911-010, Mental Health Association In NC, Inc., 115-12 West Morgan Street, Raleigh, NC 27601.	Southern Pines, NC.....	NM.....			7	CMI.....	235900	18400
Greensboro.....	053-HD011/NC19-Q911-011, Mental Health Association In NC, Inc., 115-12 West Morgan Street, Raleigh, NC 27601.	West Jefferson, NC.....	NM.....			7	CMI.....	391800	19100

Greensboro	053-HD013/NC19-Q911-013, Autism Soc. of NC & Group HMS for Autistic, 3300 Womans Club Drive, Raleigh, NC 27612.	Albemarle, NC.....	NM	7 WDD.....	249200	16400
Greensboro	053-HD014/NC19-Q911-014, ARC/NC, Inc. & ARC/HDS, Inc., 16 Rowan Street Raleigh, NC 27609.	North Wilkesboro, NC.....	NM	7 WDD.....	241400	16400
Greensboro	053-HD016/NC19-Q911-016, UNITED METHODIST AGENCY FOR RETARDED-WINC, INC 1040 East Woodlawn Charlotte, NC 28209.	Asheville, NC.....	M	7 WDD.....	252300	16400
Greensboro	053-HD017/NC19-Q911-017, ARC/NC, Inc. & ARC/HDS, Inc., 16 Rowan Street Raleigh, NC 27609.	Hertford, NC.....	NM	7 WDD.....	263200	16400
Greensboro	053-HD018/NC19-Q911-018, ARC/NC, Inc. & ARC/HDS, Inc., 16 Rowan Street Raleigh, NC 27609.	Cumtuck, NC.....	NM	7 WDD.....	263200	16400
Greensboro	053-HD020/NC19-Q911-020, The Brothers Foundation, Inc., P.O. Box 36512 Charlotte, NC 28236.	Charlotte, NC	M	1 7HV	249200	16400
Greensboro	053-HD021/NC19-Q911-021, Autism Society of North Caroli- na, Inc. 3300 Womans Club Drive Raleigh, NC 27612.	Asheville, NC.....	M	7 WDD.....	252300	16400
Greensboro	053-HD024/NC19-Q911-024, Mental Health Association in North Carolina 115-12 W. Morgan St. Raleigh, NC 27601.	Boone, NC.....	NM	11CMI.....	561000	27300
Greensboro	053-HD025/NC19-Q911-025, Mental Association in North Carolina, Inc. 115-12 West Morgan Street Raleigh, NC 27601.	North Wilkesboro, NC.....	NM	11CMI.....	561000	27300
Greensboro	053-HD026/NC19-Q911-026, Autism Society of North Caroli- na, Inc. 3300 Womans Club Drive Raleigh, NC 27612.	Cary, NC	M	7 WDD.....	258500	16400
Greensboro	053-HD027/NC19-Q911-027, Lutheran Family Services of the Carolinas P.O. Box 12287 Raleigh, NC 27605.	Gastonia, NC	M	6WDD	249200	16400
Greensboro	053-HD032/NC19-Q911-032, Mental Health Association In NC, Inc. 115-12 West Morgan Street Raleigh, NC 27601.	Fayetteville, NC	M	10 CMI	590100	27300
Greensboro	053-HD033/NC19-Q911-033, Mental Health Association In NC, Inc. 115-12 West Morgan Street Raleigh, NC 27601.	Farmville, NC	NM	10 CMI	551000	27300
Subsubtotal.....				22 171	7221100	418000
State: South Carolina						
Columbia	054-HD002/SC16-Q911-002, Junior Welfare League, Inc., Post Office Box 32111 CRS, Rock Hill, SC 29731.	York County, SC	M	20 CMI	898500	50800
Columbia	054-HD003/SC16-Q911-003, Gateway House, Inc. P.O. Box 4241 Greenville, SC 29608.	Greenville County, SC	M	20 CMI	898500	50800
Columbia	054-HD004/SC16-Q911-004, Greenville Association for the Retarded P.O. Box 17007 Greenville, SC 29606.	Greenville County, SC	M	16 WDD	802000	40600
Columbia	054-HD008/SC16-Q911-008, Mental Health Association of Sumter County P.O. Box 2421 Sumter, SC 29151.	Sumter, SC	NM	16 CMI	708400	40600
Columbia	054-HD010/SC16-Q911-010, Charles Lea Center for Rehab & Special Educ. 185 Burdette Street Spartanburg, SC 29302.	Chesnee, SC	M	16 WDD	840200	40600
Columbia	054-HD011/SC16-Q911-011, Orangeburg Association for Re- tarded Citizens Post Office Box 1812 Orangeburg, SC 29115.	Orangeberg, SC	NM	16 WDD	834700	40600
Columbia	054-HD012/SC16-Q911-012, Florence County Mental Retar- dation Board P.O. Box 12810, Florence, SC 29604.	Florence County, SC	M	24 WWD	1062700	60900
Columbia	054-HD013/SC16-Q911-013, Orangeburg County Mental Health Association, Post Office Box 2267, Orangeburg, SC 29116.	Orangeburg County, SC	NM	20 CMI	885500	50800
Columbia	054-HD017/SC16-Q911-017, Mental Health Assoc. of Green- ville County, 301 University Drive, Greenville, SC 29601.	Simpsonville, SC	M	12 CMI	555200	30400
Columbia	054-HD018/SC16-Q911-018, Goodwill Industries of Lower, SC., Inc., Post Office Box 31729, Charleston, SC 29417.	Charleston County, SC	M	8 WDD	425600	20300
Columbia	054-HD021/SC16-Q911-021, Dorchester Interfaith Outreach Ministries, 908 Bacons Bridge, Summerville, SC 29485.	Dorchester County, SC	M	12 CMI	542900	30400
Subsubtotal				11 180	8472400	456800
State: Virgin Islands						
Caribbean	056-HD001/VI046-Q911-001, Lutheran Soc Services of the Virgin Islands, P.O. Box 866, Hospital Str, Frederiksted, St Crx, VI 00841.	St Croix, VI	NM	7 WDD	405200	17800
Subtotal				51 491	21088100	1193500

SECTION 811 PROGRAM FOR PERSONS WITH DISABILITIES—FISCAL YEAR 1991 SELECTIONS—Continued

[Includes "HIV" Set-Aside Selections; To Accompany HUD 92-18]

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	No. of projects	Units	Tenant type	Capital grant amount	Rental assistance contr auth
Region: Chicago									
State: Illinois									
Chicago	071-HD003/IL06-Q911-003, Thresholds, 2700 North Lakeview, Chicago, IL 60614.	Chicago, IL	M			8	CMI	226200	24500
Chicago	071-HD004/IL06-Q911-004, Thresholds, 2700 North Lakeview, Chicago, IL 60616.	Chicago, IL	M			8	CMI	226200	24500
Chicago	071-HD005/IL06-Q891-005, Thresholds, 2700 North Lakeview, Chicago, IL 60616.	Chicago, IL	M			8	WWD	226200	24500
Chicago	071-HD009/IL06-Q911-009, The Center for Rehabilitation and Training, 6610 N Clark, Chicago, IL 60626.	Chicago, IL	M			24	HIV	1136200	73700
Chicago	072-HD001/IL06-Q911-001, Community Counseling Center, P.O. Box 1054, Alton, IL.	Alton, IL	M			16	CMI	723900	49100
Chicago	072-HD002/IL06-Q911-002, Mental Health Centers of Central Illinois, 710 N 8th St., Springfield, IL 62702.	Springfield, IL	M			16	CMI	723900	49100
Subtotal						6	80	3259600	245400
State: Indiana									
Indianapolis	073-HD004/IN36-Q911-004, Comprehensive Mental Health, 309 N. High Street, Muncie, IN 47305.	Muncie, IN	M			20	CMI	904900	58300
Subsubtotal						1	20	904900	58300
State: Minnesota									
Detroit	044-HD001/MI28-Q911-001, Innovative Housing Development Corp., 3061 Commerce Drive, Port Huron, MI 48060.	Port Huron, MI	M			12	CMI	682600	39200
Grand Rapids	047-HD002/MI33-Q911-002, Adapt, Inc., 202 Morse Street, Coldwater, MI 49036.	Coldwater, MI	M			18	WDD	957400	48900
Subtotal						2	30	1640000	88100
State: Michigan									
Minneapolis	092-HD003/MN46-Q911-003, National Handicap Housing, 4556 Lake Drive, Robbinsdale, MN 55422.	Hopkins, MN	M			24	WPD	1548600	76100
Minneapolis	092-HD004/MN46-Q911-004, Westminster Corporation, 328 West Kellogg Boulevard, St. Paul, MN 55102.	Minneapolis, MN	M			11	HIV	682100	34900
Minneapolis	092-HD005/MN46-Q911-005, The Kally Institute, 6739 Golden Valley Road, Golden Valley, MN 55427.	St. Louis Park, MN	M			6	CMI	345100	19000
Minneapolis	092-HD006/MN46-Q911-006, Home & Community Options, 252 W. Webster Street, Winona, MN 55987.	Winona, MN	NM			10	WDD	461700	26300
Minneapolis	092-HD007/MN46-Q911-007, Accessible Space, Inc., 2550 University Avenue W, St. Paul, MN 55114.	St. Cloud, MN	M			24	WPD	1400200	78100
Subtotal						5	75	4417700	231400
State: Ohio									
Cleveland	042-HD001/OH12-Q911-001, Ruth S. Ide Community Mental Health, 1946 North 13th Street, Toledo, OH 43624.	Oregon, OH	M			8	CMI	439500	26100
Cleveland	042-HD003/OH12-Q911-003, Zepf Community Mental Health, 5655 Airport Highway, Toledo, OH 43615.	Toledo, OH	M			8	CMI	439500	26100
Cleveland	042-HD007/OH12-Q911-007, Hope Homes Inc., 2785 Norton Road, Stow, OH 44224.	Akron, OH	M			6	WDD	261800	19800
Cleveland	042-HD008/OH12-Q911-008, Summit Aids Housing Corp., P.O. Box 41, Akron, OH 44309.	Summit County, OH	M			23	HIV	1248800	76200
Columbus	043-HD001/OH16-Q911-001, Del-Mar Dwelling Corporation, 40 North Sandusky Street, Delaware, OH 43015.	Delaware, OH	M			10	CMI	498400	28900
Columbus	043-HD003/OH16-Q911-003, Portsmouth Inner City Development Corp., P.O. Box 847, Portsmouth, OH 45662.	Portsmouth, OH	NM			20	CMI	1055000	57900

Columbus.....	043-HD004/0H16-Q911-004, Community Housing Network, 253 East Livingston Avenue, Columbus, OH 43216.	Columbus, OH.....	M.....	16	CMI.....	806700
Columbus.....	043-HD005/0H16-Q911-005, Washington Square Housing Dev. Corp., 383 Washington Street, Newark, OH 43055.	Heath, OH.....	M.....	10	WDD.....	494500
Subsubtotal.....				8	101	5242000
State: Wisconsin.....	075-HD009/WI39-Q911-008, Madison Aids Support Network, 303 Lathrop Street, Madison, WI 53705.	Madison, WI.....	M.....	23	HIV.....	1219100
Subsubtotal.....				1	23	68400
Subsubtotal.....				23	329	68400
Region: Fort Worth.....				1	1219100	68400
State: Arkansas.....	082-HD001/AR37-Q911-001, Garland Co. Assn for Minority Retarded Childrn, P.O. Box 2341, Hot Springs, AR 71913.	Hot Springs, AR.....	NM.....	20	WDD.....	827400
Little Rock.....	082-HD004/AR37-Q911-004, Counseling Associates, Inc., P.O. Box 1398, Russellville, AR 72801.	Russellville, AR.....	NM.....	8	CMI.....	201800
Little Rock.....	082-HD005/AR37-Q911-005, Counseling Associates, Inc., P.O. Box 1398, Russellville, AR 72801.	Conway, AR.....	M.....	20	CMI.....	881500
Subsubtotal*.....				3	48	1890700
State: Louisiana.....	064-HD002/LA48-Q911-002, Diocese of Lafayette, 1404 Carmel Avenue, Lafayette, LA 70501.	New Iberia, LA.....	NM.....	20	CMI.....	646600
New Orleans.....	064-HD004/LA48-Q911-04, Evergreen Presbyterian Ministries, Inc. P.O. Box 72360, Bossier City, LA 71172.	Rapides Parish, LA.....	M.....	16	WDD.....	614400
New Orleans.....	064-HD006/LA48-Q911-006, Evergreen Presbyterian Ministries, Inc. P.O. Box 72360, Bossier City, LA 71172.	Baton Rouge, LA.....	M.....	14	WDD.....	389400
New Orleans.....	064-HD008/LA48-Q911-008, Diocese of Lafayette, 1404 Carmel Avenue, Lafayette, LA 70501.	Opelousas, LA.....	NM.....	20	CMI.....	645000
New Orleans.....	064-HD009/LA48-Q911-009, Evergreen Presbyterian Ministries, Inc. P.O. Box 72360, Bossier City, LA 71172.	Baton Rouge, LA.....	M.....	14	.....	398300
Subsubtotal*.....				5	84	211800
State: New Mexico.....	116-HD001/NM16-Q911-001, Center for Behavioral Services, P.O. Box 20891, Albuquerque, NM 87154.	Albuquerque, NM.....	M.....	4	WDD.....	2694700
Subsubtotal.....				1	4	201000
State: New Mexico.....						10700
Fort Worth.....						201000
Subsubtotal.....						10700
State: Texas.....						
Fort Worth.....	113-HD001/TX16-Q911-002, Volunteers of America, 3813 N. Causeway Boulevard, Metairie, LA 70002.	Fort Worth, TX.....	M.....	6	WDD.....	442300
San Antonio.....	115-HD001/TX59-Q911-001, New Milestones Foundation, Inc., 1430 Collier Street, Austin, TX 78704.	Austin, TX.....	M.....	11	CMI.....	483400
San Antonio.....	115-HD002/TX59-Q911-002, New Milestones Foundation, Inc., 1430 Collier Street, Austin, TX 78704.	Austin, TX.....	M.....	9	CMI.....	395500
San Antonio.....	115-HD003/TX59-Q911-003, New Milestones Foundation, Inc., 1430 Collier Street, Austin, TX 78704.	Austin, TX.....	M.....	9	CMI.....	395500
Subsubtotal.....				4	35	1716700
Subsubtotal.....				13	171	6503100
Subsubtotal.....						105700
Subsubtotal.....						440700
Region: Kansas City.....						
State: Iowa.....						
Des Moines.....	074-HD001/IA05-Q911-001, Systems Unlimited, 1556 First Avenue South, Iowa City, IA 52240.	Iowa City, IA.....	M.....	7	WDD.....	230500
Des Moines.....	074-HD004/IA05-Q912-004, Mental Health Center, #1 N. 4th Ave., Marshalltown, IA 50158.	Marshalltown, IA.....	NM.....	16	CMI.....	744600
Subsubtotal.....				2	23	975100
Subsubtotal.....						58400

SECTION 811 PROGRAM FOR PERSONS WITH DISABILITIES—FISCAL YEAR 1991 SELECTIONS—Continued

[Includes "HV" Set-Aside Selections; To Accompany HUD 92-18]

Office	FHA and project rental assistance contract (PRAC) numbers, sponsor name and address	Location	Metro or non-metro	Minority code	No. of projects	Units	Tenant type	Capital grant amount	Rental assistance contr. auth
State: Kansas									
Kansas City	102-HD006/KS16-Q911-006, Futures Unlimited, PO Box 130, Wellington, KS 67152.	Caldwell, KS	NM		20	CMI		84800	52400
Kansas City	102-HD007/KS16-Q911-007, Mental Health Assn, 430 North Woodlawn, Wichita, KS 67208.	Pittsburg, KS	NM		10	CMI		430700	26200
Kansas City	102-HD008/KS16-Q911-008, Northview Development Services, 700 East 14th Street, Newton, KS 67114.	Newton, KS	NM		12	WDD		408000	31400
Subsubtotal					3	42	1685500	110000	
State: Missouri									
St. Louis	085-HD002/M038-Q911-002, Interfaith Residences, P.O. Box 4652, St. Louis, MO 63108.	St. Louis, MO	M		24	HIV		1349700	75200
Subsubtotal					1	24		1349700	75200
Subsubtotal					6	89		4010380	243600
Region: Denver									
State: Wyoming									
Denver	109-HD001/WY99-Q916-001, Southwest Wyoming Rehab, 2832 Foothill Blvd, Rock Springs, WY 82901.	Rock Springs, WY	NM		18	WDD		612100	44300
Denver	109-HD002/WY99-Q916-002, Pioneer Counseling, 350 City View Drive, Evanston, WY 82930.	Evanston, WY	NM		8	CMI		220200	19800
Subsubtotal					2	26		832200	63900
Subsubtotal					2	26		832200	63900
Region: San Francisco									
State: Arizona									
Phoenix	123-HD002/AZ20-Q911-002, The Phoenix Shanti Group, 1314 E. McDowell Rd, Phoenix, AZ 85006.	Phoenix, AZ	M		24	HIV		1093700	64200
Subsubtotal					1	24		1093700	64200
State: California									
San Francisco	121-HD002/CA39-Q911-002, Interim, Inc., P.O. Box 3222, Monterey, CA 93942.	Salinas, CA	M		20	CMI		1189400	76000
San Francisco	121-HD004/CA39-Q911-003, Mentally Handicapped Children's Organization 21966 Dolores Street, #318 Castro Valley, CA 94546.	San Leandro, CA	M		6	WDD		316100	22800
San Francisco	121-HD006/CA39-Q911-005, Housing for Independent People, 25 East Hedding Street, San Jose, CA 95112.	San Ramon Village, CA	M		21	CMI		1316700	76000
Los Angeles	122-HD005/CA16-Q911-005, Crippled Children's Soc. of So. California, 7120 Franklin Avenue, Los Angeles, CA 90048.	Los Angeles, CA	M		24	WPD		2039000	141900
Los Angeles	122-HD007/CA16-Q911-007, San Fernando Valley Assoc for the Retarded, 15725 Panthena St., Sepulveda, CA 91343.	Los Angeles, CA	M		8	WDD		629200	43600
Sacramento	136-HD001/CA30-Q911-001, Tuolumne/Calaveras Assoc for the Handicapped, P.O. Box 7, Standard, CA 95376.	Sonora, CA	NM		6	WDD		275600	20400
Subsubtotal					6	85		5766000	380700
State: Nevada									
San Francisco	121-HD003/NV39-Q911-001, Accessible Space, Inc., University Avenue, #301 N. St. Paul, MN 55114.	Las Vegas, NV	M		24	WPD		1441900	73700
Subsubtotal					1	24		1441900	73700
Subtotal					8	133		6301680	518600

		Region: Seattle			
		M	M	9	CMI
State: Oregon	126-HD002/OR16-16-Q911-002, Walnut, Hillsboro, OR 97123.	144 SE	Hillsboro, OR	487600	25500
Portland					
Subsubtotal					
State: Washington	127-HD002/WA19-Q911-002, 4319 Stone Way North, Seattle, WA 98103.	Seattle	Seattle, WA	487600	25500
Seattle	127-HD003/WA19-Q911-003, 127 Broadway East, Seattle, WA 98102.	Seattle	Seattle, WA	882300	45200
Subsubtotal					
Subtotal					
Total					

[FR Doc. 92-7652 Filed 4-2-92; 8:45 am]
 BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[CA-060-01-4212-13; CA-29236]

Realty Action; Correction**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Correction to legal description for Notice of Realty Action, CA-29236.**SUMMARY:** This notice corrects the legal description of the selected public lands described in the Notice of Realty Action published in the **Federal Register** on Friday, December 6, 1991, in Vol. 56, No. 235, pages 63977 through 63978, as follows:

On Page 63977, in the Summary, in the land description, in the top second column, the third line should read "Sec. 32: Lots 1 through 29, and Lots 31 through 58".

Dated: March 27, 1992.

Richard E. Crowe,*Assistant District Manager, Division of Operations.*

[FR Doc. 92-7643 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-40-M

Bureau of Land Management

[ID-030-02-4212-11; IDI-27465]

Realty Action (IDI-27465); Recreation and Public Purposes (R&PP) Act Lease or Conveyance Classification**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of realty action involving public lands in Madison County, Idaho.**SUMMARY:** The following public lands seven miles west of the City of Rexburg, Madison County, Idaho have been examined and found suitable for classification for lease or conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*):

Boise Meridian, Idaho

T. 6 N., R. 38 E.,
Sec. 22, S $\frac{1}{2}$;
Sec. 23, SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 520 acres, more or less.

This action is a motion by the Bureau to make public lands available to Madison County for use as a public shooting range. Lease or conveyance of the lands for recreational or public

purpose use would be in the public interest. This use is in conformance with land use planning. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Lease or conveyance of the lands will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.
2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.
3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.
4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the **Federal Register**, the subject public lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act, and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Dated: March 27, 1992.

Lloyd H. Ferguson,
District Manager.

[FR Doc. 92-7644 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-QG-M

[OR-130-02-4212-13; GP2-144; WAOR 47949]

Amendment of Realty Action: Exchange of Public Lands in Ferry, Grant, Lincoln, Pend Oreille, and Stevens Counties, WA**AGENCY:** Bureau of Land Management; Interior**ACTION:** Notice of amendment of realty action.**NOTICE:** This notice amends the realty action published in Vol. 57, page 2, 109 of the **Federal Register** on January 17, 1992, to include the following described lands proposed for acquisition by exchange:**Willamette Meridian**

T. 22 N., R. 30 E.,
Sec 12, portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 13, portion of E $\frac{1}{2}$;
Sec. 24, portion of E $\frac{1}{2}$.
T. 22 N., R. 30 E.,
Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7, All, less a portion of SW $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 9, All;
Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 15, All;
Sec. 17, All;
Sec. 18, All;
Sec. 19, All;
Sec. 23, W $\frac{1}{2}$,SE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, portion of N $\frac{1}{2}$, portion of S $\frac{1}{2}$;
Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, Lots 1 & 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 22 N., R. 32 E.,
Sec. 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ /SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 28 N., R. 32 E.,
Sec. 29, All;
Sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 32, portion of NW $\frac{1}{4}$.
T. 24 N., R. 34 E.,
Sec. 3, portion of SW $\frac{1}{4}$;
Sec. 4, portion of E $\frac{1}{2}$, W $\frac{1}{2}$;
Sec. 5, Lots 1, 2, 7, 8, 9, & 10, S $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 9, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Sec. 18, E $\frac{1}{2}$;
Sec. 20, N $\frac{1}{2}$.
T. 24 N., R. 35 E.,
Sec. 7, All.

The land described aggregates 11,700 acres, more or less, in Grant and Lincoln counties, Washington.

Issued: March 26, 1992.

Joseph K. Buesing,
District Manager.

[FR Doc. 92-7645 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-33-M

[MT-020-02-4333-08]

South Dakota Resource Management Plan Amendment—Fort Meade Recreation Area**AGENCY:** Bureau of Land Management, Miles City District Office, Interior.**ACTION:** Notice of intent to prepare an amendment to the South Dakota Resource Management Plan for the Fort Meade Recreation Area in Meade County, South Dakota.

SUMMARY: The South Dakota Resource Area is initiating a revision of the Recreation Management Plan for the Fort Meade Recreation Area near Sturgis, South Dakota. The revision will update the present plan, which was approved in 1981 and incorporated into the South Dakota Resource Management Plan (RMP) in 1985. The revision will therefore constitute an amendment to the RMP. The revised plan will prescribe long-term management objectives, allocations and actions for all affected resources in the recreation area. No major issues have been identified to date. The plan amendment will consolidate past planning efforts and provide more detailed management guidance for some resources. Potential issues include the balancing of public demands for increased development and dispersed recreational activities and management actions necessary to ensure human health and safety. Disciplines represented in the preparation of the plan amendment will include forestry, archeology, fisheries, wildlife, recreation, range, watershed, realty, geology and law enforcement.

Opportunities for public involvement will include scoping of issues and concerns, periodic updates on progress and review of the final plan amendment. Various state and federal agencies, including the South Dakota Game, Fish and Parks Department, the Department of Veterans Affairs and the public will be involved. Contact with agencies and the public will be made through meetings, update letters and written comments.

DATES: Comments and recommendations of issues and concerns to be considered will be received until at least 30 days after April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Mark W. Stiles, Area Manager, South Dakota Resource Area, 310 Roundup Street, Belle Fourche, South Dakota 57717, phone (605) 892-2526.

Sandra E. Sacher,
Associate District Manager.

[FR Doc. 92-7647 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-DN-M

[CO-930-4214-10; COC-53648]

Proposed Withdrawal: Opportunity for Public Meeting; Colorado

March 27, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to

withdraw approximately 4,249 acres of National Forest System land for 50 years. This withdrawal would protect the existing recreational values and proposed facilities at the Lake Catamount Recreation Area. This notice closes this land to location and entry under the mining laws for up to two years. The land remains open to mineral leasing.

DATES: Comments on this proposed withdrawal or requests for public meeting must be received on or before July 2, 1992.

ADDRESSES: Comments and requests for a meeting should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215-7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, 303-239-3706.

SUPPLEMENTARY INFORMATION: On March 6, 1992, the Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws (30 U.S.C. ch 2):

Sixth Principal Meridian

Routt National Forest

Parcel within Unsurveyed Tps. 4 and 5 N., R. 83 W., Metes and Bounds beginning at a point from which the E $\frac{1}{4}$ corner of Section 36, T. 5 N., R. 84 W., bears S. 0°16'W., 5.98 chains; thence southerly along the rangeline between ranges 83 and 84 West approximately 183.38 chains to the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 13, T. 4 N., R. 84 W.,

Thence East 55.45 chains

Thence North 80 chains

Thence East 20 chains

Thence North 20 chains

Thence East 20 chains

Thence North 43.36 chains

Thence West 7.07 chains

Thence North 80 chains

Thence West 80 chains

Thence South 20 chains

Thence West 30.28 chains to the place of beginning.

T. 4 N., R. 84 W.,

Sec. 10, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, and those lands in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying northerly along the right bank of Green Creek;

Sec. 11, lots 1, 2, and 3, S $\frac{1}{4}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;

Sec. 12, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;

Sec. 13, N $\frac{1}{2}$ and those lands in the N $\frac{1}{2}$ S $\frac{1}{2}$

lying northerly along the right bank of Green Creek;

Sec. 14, those lands in the N $\frac{1}{2}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying northerly along the right bank of Green Creek;

Sec. 15, those lands in the N $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying northerly of the right bank of Green Creek.

T. 5 N., R. 84 W.,

Sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ and those lands in the S $\frac{1}{2}$ N $\frac{1}{2}$ lying southerly of the left bank of Harrison Creek;

Sec. 36, S $\frac{1}{2}$ S $\frac{1}{2}$ and those lands in the N $\frac{1}{2}$ S $\frac{1}{2}$ lying southerly of the left bank of Harrison Creek.

The area described contains approximately 4,249 acres in Routt County.

The purpose of this withdrawal is to protect natural resource values and recreation facilities at the Catamount Ski Resort.

For a period of 90 days from the date of publication of this notice, all parties who wish to submit comments, suggestions, or objections in connection with this proposal, or to request a public meeting, may present their views in writing to the Colorado State Director. If the authorized officer determines that a meeting should be held, the meeting will be scheduled and conducted in accordance with the Bureau of Land Management Manual, Sec. 2351.16B.

This application will be processed in accordance with the regulations set forth in 43 CFR part 2310.

For a period of two years from the date of publication in the *Federal Register*, the land will be segregated from the mining laws as specified above; unless the application is denied, or cancelled, or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage these lands.

Robert S. Schmidt,
Chief, Branch of Realty Programs.

[FR Doc. 92-7694 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-JB-M

Fish and Wildlife Service

Reintroduction of Gray Wolves to Yellowstone National Park and Central Idaho, Environmental Impact Statement, Wyoming, Montana, and Idaho

AGENCY: Fish and Wildlife Service, Department of Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the reintroduction of gray wolves to Yellowstone National Park and Central Idaho.

SUMMARY: Under the provision of the National Environmental Policy Act, the U.S. Fish and Wildlife Service is preparing an environmental impact statement (EIS) for the reintroduction of gray wolves to Yellowstone National Park and Central Idaho. The conference report (House Report No. 102-256) that accompanied the 1991 U.S. Department of Interior appropriations bill (Pub. L.

102-154) directed the Fish and Wildlife Service to prepare an environmental impact statement on wolf reintroduction in Yellowstone National Park and Central Idaho in consultation with the National Park Service and Forest Service. The conference report further directs that the EIS is to cover a broad range of alternatives, follow normal distribution patterns including appropriate Congressional distribution, and have the draft EIS complete by May 13, 1993.

Previous plans and studies (1980 and 1987 Northern Rocky Mountain Wolf Recovery Plans; Wolves for Yellowstone? A Report to the United States Congress Vol 1-4; 1991 Wolf Recovery in Central Idaho: Alternative Strategies and Impacts, A report to the Idaho Legislature by the Idaho Forest, Wildlife, and Range Policy Analysis Group; and 1991 Reintroduction and Management of Wolves in Yellowstone National Park and the Central Idaho Wilderness Area, A report to the U.S. Congress by the Wolf Management Committee) identified the following issues: livestock/pet depredation and compensation, effects on big game species/hunting, wolf control, human life and health, land use policy/restrictions, wolf role in ecosystem (naturalness), animal rights/welfare/dignity (humaneness), recreational value of wolves, economics, effects of wolves on other species (such as grizzly bears), state and federal authorities, private property rights, illegal killing/poaching, disease and parasite transmission, and ecological completeness of the world's first National Park.

Preliminary alternatives suggested to date by the public include: no-wolf option (not allowing wolves to recover). Wolf Management Committee alternative (Congressionally designated experimental population with state management), reintroduction of wolves as experimental populations, no-action alternative (natural recolonization from other populations), and reintroduction of wolves as an endangered species.

A scoping brochure has been prepared that details the EIS process, background information, issues identified to date, and how to become involved. People who previously requested wolf recovery information will receive copies. Other interested people can obtain copies by writing: Yellowstone National Park and Central Idaho Gray Wolf EIS, U.S. Fish and Wildlife Service, P.O. Box 8017, Helena, MT 59601.

FOR FURTHER INFORMATION CONTACT:
Ed Bangs, Project Leader, (406) 449-5202.

Dated: March 5, 1992.
Galen L. Buterbaugh,
Regional Director, Region 6, U.S. Fish and Wildlife Service.
[FR Doc. 92-7681 Filed 4-2-92; 8:45 am]
BILLING CODE 4310-55-M

Aquatic Nuisance Species Task Force Meeting

AGENCY: Department of the Interior, Fish and Wildlife Service.

ACTION: Notice of meeting.

SUMMARY: This notice announces meetings of the Aquatic Nuisance Species Task Force and one of its committees. A number of subjects will be discussed during the Task Force meeting on April 21 and April 22, including the research protocol, a ruffe control proposal submitted by a special Task Force organized by the Great Lakes Fisheries Commission, presentations about nonindigenous activities in the Great Lakes and Panel activities by the Great Lakes Panel (a regional committee of the Task Force), the proposed Aquatic Nuisance Species Program, an update on the intentional introductions policy review, presentations about Canadian nonindigenous species programs and activities by representatives of Canadian governmental entities, an update on the ballast water/shipping initiatives, and establishment of several new committees. In conjunction with the Task Force meeting, the Zebra Mussel Coordination Committee will hold its first meeting the following day, Wednesday, April 23, 1992, at the Great Lakes Environmental Research Laboratory in Ann Arbor, Michigan. The initial meeting of this committee will focus on presentations of ongoing and planned zebra mussel research programs to assist Federal research managers in planning their research programs.

TIME AND DATE: The Aquatic Nuisance Species Task Force will meet from 1 p.m. to 5 p.m. on Tuesday, April 21, 1992 and from 8 a.m. to 11:30 p.m. on Wednesday, April 22, 1992. The Zebra Mussel Coordination Committee will hold its first meeting the following day, Thursday, April 23, 1992 from 8 a.m. to 5 p.m.

PLACE: The Aquatic Nuisance Species Task Force meeting will be held at the Toledo Marriott Portside, Two Seagate/Summit Street, Toledo, Ohio. The Zebra Mussel Coordination Committee meeting will be held at the Great Lakes Environmental Research Laboratory, 2205 Commonwealth Blvd, Ann Arbor, Michigan.

STATUS: These meetings are open to the public. Interested persons may make oral statements to the Task Force or the Zebra Mussel Coordinating Committee, or may file written statements for consideration.

CONTACT PERSON FOR MORE INFORMATION

INFORMATION: Sharon Gross, Aquatic Nuisance Species Task Force Coordinator, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, Virginia 22203 at (703) 358-1718.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, 104 stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990) and a meetings of the Zebra Mussel Coordinating Committee. Minutes of the meeting will be maintained by the Coordinator, Aquatic Nuisance Species Task Force, room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203 and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: March 30, 1992.

Gary Edwards,
Co-Chair, Aquatic Nuisance Species Task Force.

[FR Doc. 92-7657 Filed 4-2-92; 8:45 am]
BILLING CODE 4310-55-M

Great Lakes Nonindigenous Aquatic Nuisance Species Panel Meeting

AGENCY: Department of the Interior, Fish and Wildlife Service.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Great Lakes Panel on Nonindigenous Species, a regional committee of the Aquatic Nuisance Species Task. A number of subjects will be discussed, including approval of panel policy statements on organizational strategy, management and research needs, and legislative and budget needs; a review of the proposed annual report to the Task Force; a review of Great Lakes Week activities; and nomination of Great Lakes Panel representatives to serve on Task Force Committees.

TIME AND DATE: The Great Lakes Panel on Nonindigenous Species will meet from 9:30 a.m. to 12 p.m. on Tuesday, April 21, 1992.

PLACE: The meeting will be held at the Toledo Marriott Portside, Two Seagate/Summit Street, Toledo, Ohio.

STATUS: The meeting is open to the public. Interested persons may make oral statements to the Panel or may file written statements for consideration.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Martha Reesman, Great Lakes Commission, The Argus Building, 400 Fourth Street, Ann Arbor, Michigan, at (313) 665-9135.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. I), this notice announces a meeting of the Great Lakes Panel on Nonindigenous Aquatic Nuisance Species, a regional committee of the Aquatic Nuisance Species Task Force established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, 104 stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990). Minutes of meeting will be maintained by Coordinator, Aquatic Nuisance Species Task Force, Room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203 and the Great Lakes Panel Coordinator, Great Lakes Commission, The Argus Building, 400 Fourth Street, Ann Arbor, Michigan, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: March 30, 1992.

Gary Edwards,

Co-Chair, Aquatic Nuisance Species Task Force.

[FR Doc. 92-7654 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Capital Memorial Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission will be held on Tuesday, April 28, 1992, at 1:30 p.m., at the Commission of Fine Arts, 441 F Street, NW., suite 312, Washington, DC.

The Commission was established by Public Law 99-652, for the purpose of advising the Secretary of the Interior or the Administrator of the General Services Administration, depending on which agency has jurisdiction over the lands in the matter, on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia or its environs, as well as such other matters

concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission evaluates each memorial proposal and makes recommendations to the Secretary or the Administrator with respect to appropriateness, site location and design, and serves as an information focal point for those seeking to erect memorials on Federal land in Washington, DC, or its environs.

The members of the Commission are as follows:

James Ridenour, Chairman, Director, National Park Services, Washington, DC

George M. White, Architect of the Capitol, Washington, DC
Honorable Andrew J. Goodpaster, Chairman, American Battle Monuments Commission, Washington, DC

J. Carter Brown, Chairman, Commission of Fine Arts, Washington, DC

Glen Urquhart, Chairman, National Capital Planning Commission, Washington, DC

Honorable Sharon Pratt Dixon, Mayor of the District of Columbia, Washington, DC

Honorable Richard G. Austin, Administrator, General Services Administration, Washington, DC

Honorable Richard Cheney, Secretary of Defense, Washington, DC

The purpose of the meeting will be to review and take action on the following:

I. Old Business.

(a) Review of minutes of meeting of September 12, 1991.

(b) Review of minutes of meeting of October 29, 1991.

II. Review of Proposed Legislation.

(a) Reconsideration of H.J. Res. 271 and S.J. Res. 161, to authorize the Go For Broke National Veterans Association to establish a memorial to Japanese American Veterans in the District of Columbia or its environs.

(b) H.R. 1628, to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine.

(c) H.Con.Res. 228, to authorize a memorial to the victims of communism.

(d) S. 1931 and H.R. 3627, to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs.

(e) S. 2244, to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

III. Review of the Commemorative Works Act of 1986.

IV. Other Business.

Dated: March 24, 1992.

John G. Parsons,

Associate Regional Director for Land Use Coordination.

[FR Doc. 92-7697 Filed 4-2-92; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

March 31, 1992.

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. Parent corporation, address of principal office and state of incorporation: ConAgra, Inc., One ConAgra Drive, Omaha, NE 68102-5001 (a Delaware corporation).

2. Wholly owned subsidiaries which will participate in the operations, and state of incorporation:

- 1 Ag-chem, Inc. (a Maryland corporation).
- 2 Agro B.C. Limited (a Canada corporation).
- 3 Agro Company of Canada Limited (a Canada corporation).
- 4 Agro West Ltd. (a Canada corporation).
- 5 Arrow Industries, Inc. (a Texas corporation).
- 6 Atwood Commodities, Inc. (a Nebraska corporation).
- 7 Atwood-Larson Company (a Minnesota corporation).
- 8 Balcom Chemicals, Inc. (a Colorado corporation).
- 9 Banquet Foods (Canada) Corporation (a Canada corporation).
- 10 Beatrice Cheese, Inc. (a Delaware corporation).
- 11 Beatrice Cheese Trucking, Inc. (a Delaware corporation).
- 12 Beatrice Company (a Delaware corporation).
- 13 Beatrice Foods Co. (a Delaware corporation).
- 14 Beatrice Meats, Inc. (a Delaware corporation).
- 15 Beatrice U.S. Food Corp. (a Delaware corporation).
- 16 Berger and Company (a California corporation).
- 17 Bergerco USA (a California corporation).
- 18 Berliner & Marx, Inc. (a Delaware corporation).
- 19 Blue Coach Foods, Inc. (a Delaware corporation).
- 20 Canadian Harvest Process (1986) Ltd. (a Canada corporation).
- 21 Caribbean Basic Foods Company (a Nebraska corporation).
- 22 Central Valley Chemicals, Inc. (a Texas corporation).

23 ConAgra Canada Limited (a Canada corporation).
 24 ConAgra Caribbean Distributors, Inc. (a Puerto Rico corporation).
 25 ConAgra Fertilizer Company (a Nebraska corporation).
 26 ConAgra International Fertilizer Company (a Delaware corporation).
 27 ConAgra International, Inc. (a Delaware corporation).
 28 ConAgra Mexico, Inc. (a Delaware corporation).
 29 ConAgra Pet Products Company (a Delaware corporation).
 30 ConAgra Poultry Company (a Delaware corporation).
 31 ConAgra Transportation, Inc. (a Delaware corporation).
 32 Cook Family Foods, Ltd. (a Pennsylvania corporation).
 33 Country Skillet Catfish Company (a Delaware corporation).
 34 County Line Cheese Co., Inc. (an Indiana corporation).
 35 Cropmate Company (a Delaware corporation).
 36 CTC North America, Inc. (a Delaware corporation).
 37 Dartec, Inc. (a Colorado corporation).
 38 Dixie Ag Supply, Inc. (an Alabama corporation).
 39 E.A. Miller, Inc. (a Utah corporation).
 40 Eschem Canada, Inc. (a Canada corporation).
 41 Estronics, Inc. (a Delaware corporation).
 42 Golden Valley Microwave Foods, Inc. (a Minnesota corporation).
 43 Golden Valley Microwave Foods International, Inc. (a Minnesota corporation).
 44 Grower Service Corporation NY (a New York corporation).
 45 GVMF Canada Inc. (a Canada corporation).
 46 HACCO, Inc. (a Wisconsin corporation).
 47 HACO, Inc. (an Illinois corporation).
 48 Hess & Clark, Inc. (an Ohio corporation).
 49 Hunt-Wesson Foods International, Ltd. (a Delaware corporation).
 50 Hunt-Wesson, Inc. (a Delaware corporation).
 51 Interstate Feeders, Inc. (a Utah corporation).
 52 L.L. Cheese Co., Inc. (a Delaware corporation).
 53 Longmont Transportation Co., Inc. (a Colorado corporation).
 54 Loveland Industries, Inc. (a Colorado corporation).
 55 Lynn Transportation Company, Inc. (an Iowa corporation).
 56 Mid Valley Chemicals, Inc. (a Texas corporation).
 57 Midwest Agriculture Warehouse Co. (a Nebraska corporation).
 58 Miller Bros. Co. (a Utah corporation).
 59 Molinos de Puerto Rico, Inc. (a Nebraska corporation).
 60 Monfort Construction Company (a Delaware corporation).
 61 Monfort Food Distributing Company (a Colorado corporation).
 62 Monfort, Inc. (a Delaware corporation).
 63 Monfort Transportation Company (a Colorado corporation).
 64 Northwest Chemical Corporation (an Oregon corporation).

65 Old Capital Popcorn Company, Inc. (a Minnesota corporation).
 66 Omaha Vaccine Co., Inc. (a Nebraska corporation).
 67 Ostlund Chemical Company (a North Dakota corporation).
 68 Petrosul International Ltd. (a Canada corporation).
 69 Phoenix Packaging, Inc. (a Minnesota corporation).
 70 Platte Chemical Co. (a Nebraska corporation).
 71 PRO-Vet Companies, Inc. (a Delaware corporation).
 72 Public Grain Elevator of New Orleans, Inc. (a Louisiana corporation).
 73 Pueblo Chemical & Supply Co. (a Colorado corporation).
 74 Ravan Products, Inc. (a Georgia corporation).
 75 Richmond Fisheries (1983) Limited (a Canada corporation).
 76 Scentry, Inc. (a Delaware corporation).
 77 Snake River Chemicals, Inc. (an Idaho corporation).
 78 Superior Barge Lines, Inc. (a Delaware corporation).
 79 Swift-Eckrich, Inc. (a Delaware corporation).
 80 Swissrose International, Inc. (a New Jersey corporation).
 81 To-Ricos, Inc. (a Nebraska corporation).
 82 Trans-Agra International, Inc. (a Wyoming corporation).
 83 TransQuip Resources, Inc. (an Oklahoma corporation).
 84 Transbas, Inc. (a Tennessee corporation).
 85 Tri River Chemical Company, Inc. (a Washington corporation).
 86 Tri State Chemicals, Inc. (a Texas corporation).
 87 Tri State Delta Chemicals, Inc. (a Mississippi corporation).
 88 Tropmi Import Co. (a Florida corporation).
 89 UAP Canada, Inc. (a Canada corporation).
 90 UAP/GA AG CHEM, Inc. (a Georgia corporation).
 91 UAP Special Products, Inc. (a Nebraska corporation).
 92 United Agri Products, Inc. (a Delaware corporation).
 93 United Agri Products-Florida, Inc. (a Florida corporation).
 94 Usen Fisheries (1983) Limited (a Canada corporation).
 95 Vogel Popcorn Company (a Minnesota corporation).
 96 Vogel Popcorn Company of Ohio, Inc. (a Minnesota corporation).
 97 Westchem Agricultural Chemicals, Inc. (a Montana corporation).
 98 Westglenn Milling (1989) Limited (a Canada corporation).
 99 Willow Creek Talc, Inc. (a Montana corporation).
 100 Yellowstone Valley Chemicals, Inc. (a Montana corporation).

B. 1. Parent Corporation: Herman Miller, Inc., 8500 Byron Road, Zeeland, MI 49464.
 2. Wholly-owned subsidiaries: Meridian, Inc., 18558 171st Avenue,

Spring Lake, MI 49456, Incorporated in Michigan.

Sidney L. Strickland, Jr.,
 Secretary.

[FR Doc. 92-7711 Filed 4-2-92; 8:45 am]
 BILLING CODE 7035-01-M

Motor Passenger Carrier or Water Carrier Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties of, or acquire control of motor passenger carriers or water carriers pursuant to 49 U.S.C. 11343-11344. The applications are governed by 49 CFR part 1182, as revised in Pur., Merger & Cont.-Motor Passenger & Water Carriers, 5 I.C.C.2d 786 (1989). The findings for these applications are set forth at 49 CFR 1182.18. Persons wishing to oppose an application must follow the rules under 49 CFR 1182, subpart B. If no one timely opposes the application, this publication automatically will become the final action of the Commission.

MC-F-20025, Filed March 10, 1992.
Orion Charters & Tours, Inc.—Purchase (Portion)—Orion Management Corporation; Gulf Charters & Tours, Inc.—Purchase (Portion)—Orion Management Corporation; and Capital Motor Lines, Inc. and Colonial Trailways, Inc.—Continuance in Control—Orion Charters & Tours, Inc.

Applicants' representative: Clarence Evans, Evans, Jones & Reynolds, 1810 Dominion Tower, 150 Fourth Avenue North, P.O. Box 3047, Nashville, TN 37219-0047.

Applicant Gulf Charters & Tours, Inc. (Gulf Charters) (MC-236784), which is controlled by passenger carriers Capital Motor Lines, Inc. (Capital) (MC-2908), Colonial Trailways, Inc. (Colonial) (MC-67308), and Kerrville Bus Company, Inc. (Kerrville) (MC-27530), and applicant Orion Charters & Tours, Inc. (Orion Charters), a noncarrier controlled by Capital and Colonial, seek approval of their acquisition of certain portions of the authority of Orion Management Corporation (Orion Management) (MC-228414 and Tennessee Public Service Commission Docket No. 90-09155 (36099)). Capital and Colonial also control Ingram Bus Company (MC-58719).

Gulf Charters is acquiring those portions of MC-228414, both common and contract, which authorize transportation: (a) Between points west of the Mississippi River and those in Tennessee west of the Tennessee River and (b) between those points on the one

hand, and on the other, all points in the U.S. Gulf Charters will also acquire that portion of Docket No. 90-09155 (36099) which authorizes transportation in charter service, sightseeing or pleasure tours (a) between points in the Western Grand Division of Tennessee and (b) between those points and points in the Middle and Eastern Grand Division.

Orion Charters will acquire those portions of MC-228414, both common and contract, which authorize the transportation: (1) Between points east of the Mississippi River and those in Tennessee east of the Tennessee River, and (2) between all of those points on the one hand, and on the other, all points in the U.S. Orion Charters would also acquire the portion of Tennessee intrastate authority which authorizes transportation in charter service, sightseeing or pleasure tours (a) between points in the Middle and/or Eastern Grand Division of Tennessee, and (b) between those points and points in the Western Grand Division of Tennessee.

Alternatively, in the event the Commission fails to approve either or both of these divisions of the authority of Orion Management, then applicant states that Orion Charter seeks to acquire all of the authority of Orion Management, interstate and intrastate.

Transfer of the intrastate authority is effected under 49 U.S.C. 11341(a).

Inasmuch as Orion Charters will become a motor carrier upon acquiring the above described authority, Capital and Colonial seek Commission approval of their continuation in control of Orion Charters.

Decided: March 27, 1992.

By the Commission, the Motor Carrier Board.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 92-7710 Filed 4-2-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Two Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 28, 1992, two proposed consent decrees in *United States v. Cannons Engineering Corporation, et al.*, Civil Action No. 88-1786-WF, were lodged with the United States District Court for the District of Massachusetts. The decrees resolve claims of the United States against two defendants in the above-referenced

action under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for contamination at four Superfund sites. The two settling defendants are Raymark Industries, Inc., and Chemical Recovery, Inc. (the "Settling Defendants"). The four sites are the Cannons Engineering Superfund Site in Bridgewater, Massachusetts, the Plymouth Superfund Site in Plymouth, Massachusetts, the Gilson Road Superfund Site in Nashua, New Hampshire, and the Tinkham's Garage Superfund Site in Londonderry, New Hampshire (collectively, the "Sites").

In the proposed consent decrees, the Settling Defendants agree to pay the United States a total of approximately \$22,500 in settlement of the United States' claims for past and future response costs incurred and to be incurred by the Environmental Protection Agency at the Sites.

The proposed decrees may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004, (202) 347-2072. A copy of the decrees may be obtained in person or by mail from the Document Center. In requesting copies of the decrees, please enclose a check for \$10.00 (25 cents per page reproduction cost) payable to Consent Decree Library.

The Department of Justice will receive written comments relating to the proposed consent decrees for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Cannons Engineering Corporation, et al.*, (DOJ Reference No. 90-11-3-105).

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
[FR Doc. 92-7702 Filed 4-2-92; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Justice Assistance

Amendment to Notice of Availability of the FY 1992 Discretionary Grant Application Kit

AGENCY: Office of Justice Programs, Bureau of Justice Assistance.

ACTION: The Bureau of Justice Assistance publishes this amendment to FR Doc. 92-3200 which was published at 57 FR 5010, February 11, 1992.

SUMMARY: The final date for receipt of Applications for two Victims programs is changed to May 27, 1992, from the earlier date which was 90 days after the publication of the Bureau of Justice Assistance Edward Byrne Memorial State and Local Law Enforcement Assistance Programs FY 1992 Discretionary Grant Application Kit.

ADDRESSES: Director, Discretionary Grants Program Division, Bureau of Justice Assistance, 633 Indiana Avenue NW., room 600-H, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Gerald (Jerry) P. Regier, Acting Director, Bureau of Justice Assistance, at the above address. Telephone (202) 514-6278. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The **DATES:** Preamble Caption in the earlier publication appearing at 57 FR 5010, February 11, 1992, is amended to read as follows:

DATES: All proposals responding to the Competitive Section, the Noncompetitive Section, and the Continuation Section of the Application Kit must be postmarked by the specific due dates in the Application Kit for each program, except that the due dates for the program "Prosecution Based Training and Technical Assistance" and the program "A Training Curriculum to Improve the Treatment of Victims of Bias Crimes" must be postmarked by May 27, 1992.

Notice is also given of the coinciding amendment in the due dates of the two above-named programs in the Bureau of Justice Assistance Edward Byrne Memorial State and Local Law Enforcement Assistance Programs FY 1992 Discretionary Grant Application Kit.

Gerald Regier,
Acting Director, Bureau of Justice Assistance.
[FR Doc. 92-7649 Filed 4-2-92; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study

of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued

Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., room S-3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Florida:

FL91-7 (Feb. 22, 1991)..... p.All.
FL91-49 (Feb. 22, 1991)..... p.All.

New York:

NY91-2 (Feb. 22, 1991)..... p.777, pp.778-794.
NY91-3 (Feb. 22, 1991)..... p.797, pp.798-800.
NY91-5 (Feb. 22, 1991)..... p.817, pp.819, 823.
NY91-7 (Feb. 22, 1991)..... p.837, p.838.
NY91-19 (Feb. 22, 1991)..... p.943, pp.944-946, 948.
NY91-21 (Feb. 22, 1991)..... p.952a, p.952b.

Volume II

Illinois:

IL91-12 (Feb. 22, 1991)..... p.171, p.172.

Iowa:

IA91-9 (Feb. 22, 1991)..... p.All.
IA91-17 (Feb. 22, 1991)..... p.All.
TX91-55 (Feb. 22, 1991)..... p.All.

Volume III

Nevada:

NV91-7 (Feb. 22, 1991)..... p.All.
NV91-8 (Feb. 22, 1991)..... p.All.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This

publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 27th day of March 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-7487 Filed 4-2-92; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

[TA-W-26,721]

Adobe Resources Corp.; Midland, TX; Negative Determination Regarding Application for Reconsideration

By an application dated March 11, 1992, one of the workers requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on February 27, 1992 and was published in the **Federal Register** on March 6, 1992 (57 FR 8157).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

In order for a worker group to be certified eligible to apply for adjustment assistance benefits, it must meet all three of the Group Eligibility Requirements of the Trade Act—(1), a significant decrease in employment; (2), and absolute decrease in sales or

production and (3), an increase of imports which contributed importantly to worker separations and declines in sales or production. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The failure to meet any one of the worker group criteria would result in a negative determination.

The Department's denial was based on the fact the decreased sales or production criterion of the Worker Group Eligibility Requirements was not met in 1991 or 1990 compared to the immediately preceding respective year.

Although the worker accepts as fact that layoffs occurring after March 31, 1992 will be primarily attributable to the corporate merger with Santa Fe, he claims the layoffs which have occurred before the March 31st merger are the result of low natural gas prices and consequently low profits. That, in fact, may be the case but this does not negate the fact that sales and production increased under the Act and certification is not possible.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 26th day of March 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 92-7721 Filed 4-2-92; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

[TA-W-26,456]

Dayton Castings, Dayton, OH; Negative Determination Regarding Application for Reconsideration

By an application dated February 26, 1992, one of the petitioners requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on January 23, 1992 and published in the *Federal Register* on February 14, 1992 (57 FR 5470).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Investigation findings show that the workers produce axles for Ford Ranger pick-up trucks.

The Department's denial was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. The Department's survey of major declining customers shows that none of the customers increased their purchases of imports in 1990 compared to 1989 and in the first nine months of 1991 compared to the same period in 1990 while decreasing their purchases from Dayton Castings.

It is claimed that the Dayton plant was closed shortly after its purchase by a Canadian firm—Varity Corporation of Canada (VCC). It is also claimed that imports of trucks had an adverse effect on the sales and production of truck axles at Dayton Castings.

Investigation findings show that VCC purchased Dayton in 1986, a time which is too remote and not relevant to worker separations under petition TA-W-26,456. Other findings show that Dayton's axles were never produced in Canada. Further foreign ownership is not a criterion for a worker group certification.

The investigation findings show that the major OEM customer transferred Dayton's production to internal sources and to another domestic supplier in the Midwest. A domestic transfer of production would not provide a basis for a worker group certification.

The courts, early in the administration of the worker adjustment assistance program, addressed the issue of components. In *United Shoe Workers of America, AFL-CIO, v. Bedell*, 506 F2d (D.C. Cir. 1974) the court held that imported finished women's shoes were not like or directly competitive with shoe components—shoe counters. Accordingly, increased imports of trucks cannot be considered in determining injury to workers producing truck axles. In determining import injury to workers at Dayton, the Department must consider the finished article produced at Dayton—axles for pick-up trucks.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 25th day of March 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service. [FR Doc. 92-7718 Filed 4-2-92; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 13, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below not later than April 13, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 23d day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Oilfield Testers, Inc (wkr)	Morgan City, LA	03/23/92	03/09/92	27,020	Oil service.
Trus Joist MacMillan (wkr)	Boise, ID	3/23/92	03/02/92	27,021	Specialty building products.
BJ Services (wkr)	Snyder, TX	03/23/92	03/10/92	27,022	Oilfield services.
Glen Eagles, Inc. (ACTWU)	Towson, MD	03/23/92	03/13/92	27,023	Ladies' and men's coats.
Glen Eagles, Inc (wkr)	Belair, MD	03/23/92	03/13/92	27,024	Ladies' and men's coats.
Williston Industrial Supply Corp (wkr)	Williston, ND	03/23/92	03/10/92	27,025	Oilfield equipment.
Ansewn Shoe Co. Co (wkr)	Bangor, ME	03/23/92	03/06/92	27,026	Men and women's footwear.
Rogers Instrument Corp (wkr)	Hillsboro, OR	03/23/92	03/06/92	27,027	Organs and keyboards.
San Patricio Corp (Co)	Corpus Christi, TX	03/23/92	03/06/92	27,028	Oil and gas.
Joe M. Van Aken, CPL, Inc (wkr)	Oklahoma City, OK	03/23/92	03/13/92	27,029	Oil service.
ICD Drives, Inc (wkr)	Grand Island, NY	03/23/92	03/03/92	27,030	Industrial controls.
Simplex Ceiling Corp (wkr)	Parsippany, NJ	03/23/92	03/05/92	27,031	Building products.
Tesoro Petroleum Corp (Co)	San Antonio, TX	03/23/92	03/10/92	27,032	Oil, gas and refined products.
Tesoro Alaska Petroleum Co (Co)	San Antonio, TX	03/23/92	03/10/92	27,033	Oil, gas and refined products.
Tesoro Refining, marketing & Crude (CO)	San Antonio, TX	03/23/92	03/10/92	27,034	Oil, gas and refined products.
Interior Fuels (Co)	San Antonio, TX	03/23/92	03/10/92	27,035	Oil, gas and refined products.
Tesoro Northshore Co (Co)	San Antonio, TX	03/23/92	03/10/92	27,036	Oil, gas and refined products.
Tesoro Petroleum Distributing Co (Co)	San Antonio, TX	03/23/92	03/10/92	27,037	Oil, gas and refined products.
Tesoro Exploration & Production Co (Co)	Antonio, TX	03/23/92	03/10/92	27,038	Oil, gas and refined products.
Micro Image Display (AIWA)	Hartford, WI	03/23/92	03/11/92	27,039	Microfiche readers and printers.
Vector Seismic Data Processing (wkr)	Denver, CO	03/23/92	02/26/92	27,040	Seismic data for oil, gas drilling.
General Dynamics, Electro Dynamic (UAW)	Avenel, NJ	03/23/92	03/10/92	27,041	Electric motors, generators.
IMC Magnetics Corp, Arizona Div (wkr)	Tempe, AZ	03/23/92	03/11/92	27,042	Aircraft valves.
Gaillard Classics, Inc (wkr)	Philadelphia, PA	03/23/92	03/16/92	27,043	Ladies' blouses.
ODECO Oil & Gas Co (Co)	New Orleans, LA	03/23/92	03/09/92	27,044	Oil, gas exploration and production.
Stride Rite Footwear of Missouri (UFCW)	Tipton, MO	03/23/92	03/03/92	27,045	Children's shoes.
Keyes Fibre Company (UPI)	Waterville, ME	03/23/92	03/09/92	27,046	Molded paper products.
Global Drilling Fluids, Inc. (Co)	Lafayette, LA	03/23/92	03/13/92	27,047	Drilling fluids.
Leede Exploration (wkr)	Englewood, CO	03/23/92	03/07/92	27,048	Oil, gas exploration and production.
Computalog Wireline Services (wkr)	Telfermer, TX	03/23/92	03/09/92	27,049	Oil well services.
Murphy Exploration and Production (Co)	New Orleans, LA	03/23/92	03/09/92	27,050	Oil and gas

Job Training Partnership Act and Targeted Jobs Tax Credit; Lower Living Standard Income Level

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of determination of lower living standard income level.

SUMMARY: The Job Training Partnership Act (JTPA) provides that the term "economically disadvantaged" may be defined as 70 percent of the "lower living standard income level" (LLSIL). To provide the most accurate data possible, the Department of Labor is issuing revised figures for the LLSIL. The Internal Revenue Code also provides that the term "economically disadvantaged" may be defined as 70 percent of the LLSIL for purposes of the Targeted Jobs Tax Credit (TJTC).

EFFECTIVE DATE: This notice is effective on April 3, 1992.

ADDRESSES: Send written comments to: Mr. Hugh Davies, Acting Director, Office of Employment and Training Programs, Employment and Training Administration, Department of Labor, room N-4703, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Hugh Davies, Telephone: 202-535-0580 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: It is a purpose of the Job Training Partnership Act (JTPA) "to afford job training to those economically disadvantaged individuals * * * who are in special need of such training to obtain productive employment." JTPA section 2; see 20 CFR 626.1(a)(2). JTPA section 4(8) defines, for the purposes of JTPA eligibility, the term "economically disadvantaged" in part by reference to the "lower living standard income level" (LLSIL). See 20 CFR 626.4.

The LLSIL figures published in this notice shall be used to determine whether an individual is a member of an economically disadvantaged family for applicable TJTC purposes. JTPA section 4(16) defines the LLSIL as follows:

The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent "lower living family budget" issued by the Secretary.

Internal Revenue Code (I.R.C.) sections 44B and 51 established the Targeted Jobs Tax Credit (TJTC) for a portion of the wages paid by employers to employees from "targeted" groups. Certain of the targeted groups require that the worker be a member of "an economically disadvantaged family." See, e.g., 26 U.S.C. 51(d)(3)(A)(ii), (4)(C), (7)(B), (8)(A)(iv), and (12)(A)(iv). The

LLSIL figures published in this notice shall be used to determine whether an individual is a member of an economically disadvantaged family for applicable TJTC purposes.

The most recent lower living family budget was issued by the Secretary in the fall of 1981. Using those data, the 1981 LLSIL was determined for programs under the now-repealed Comprehensive Employment and Training Act, and for the TJTC. The four-person urban family budget estimates previously published by the Bureau of Labor Statistics (BLS) provided the basis for the Secretary to determine the LLSIL for training and employment program operators. BLS terminated the four-person family budget series in 1982, after publication of the Fall 1981 estimates.

Under JTPA, the Employment and Training Administration (ETA) published the 1991 updates to the LLSIL in the Federal Register of May 28, 1991. 56 FR 24097. ETA has again updated the LLSIL to reflect cost of living increases for 1991 by applying the percentage change in the December 1991 Consumer Price Index for All Urban Consumers (CPI-U), compared with the December 1990 CPI-U, to each of the May 28, 1991 LLSIL figures. Those updated figures for a family of four are listed in Table 1 below by region for both metropolitan and nonmetropolitan areas. Since eligibility is determined by family

income at 70 percent of the LLSIL, pursuant to section 4(8) of JTPA, those figures are listed below as well.

Jurisdictions included in the various regions, based generally on Census Divisions of the U.S. Department of Commerce, are as follows:

Northeast

Connecticut	New York
Maine	Pennsylvania
Massachusetts	Rhode Island
New Hampshire	Vermont
New Jersey	Virgin Islands

North Central

Illinois	Missouri
Indiana	Nebraska
Iowa	North Dakota
Kansas	Ohio
Michigan	South Dakota
Minnesota	Wisconsin

South

Alabama	Kentucky
American Samoa	Louisiana
Arkansas	Marshall Islands
Delaware	Maryland
District of Columbia	Mississippi
Florida	Micronesia
Georgia	North Carolina
Northern Marianas	Tennessee
Oklahoma	Texas
Palau	Virginia
Puerto Rico	West Virginia
South Carolina	

West

Arizona	New Mexico
California	Oregon
Colorado	Utah
Idaho	Washington
Montana	Wyoming
Nevada	

Additionally, separate figures have been provided for Alaska, Hawaii, and Guam as indicated in Table 2 below.

For Alaska, Hawaii, and Guam, the 1991 figures were updated by creating a "State Index" based on the ratio of the urban change in the State (using Anchorage for Alaska and Honolulu for Hawaii and Guam) compared to the West regional metropolitan change, and then applying that index to the West regional nonmetropolitan change.

Data on 25 selected Metropolitan Statistical Areas (MSAs) are also available. These are based on monthly, bimonthly or semiannual CPI-U changes for a 12-month period ending in December 1991. The updated LLSIL figures for these MSAs, and 70 percent of the LLSIL, rounded to the next highest ten, are set forth in Table 3 below.

Table 4 below is a listing of each of the various figures at 70 percent of the updated 1992 LLSIL for family sizes of one to six persons. For families larger than six persons, an amount equal to the difference between the six-person and the five-person family income levels should be added to the six-person family income level for each additional person in the family. Where the poverty level

for a particular family size is greater than the corresponding LLSIL figure, the figure is indicated in parentheses.

Section 4(8) of JTPA defines "economically disadvantaged" as, among other things, an individual whose family income was not in excess of the higher of the poverty level or 70 percent of the LLSIL. The Department of Health and Human Services published the annual update of the poverty-level guidelines at 57 FR 5455 (February 14, 1992).

Use of These Data

Based on these data, Governors should provide the appropriate figures to service delivery areas (SDAs), State Employment Security Agencies, and employers in their States to use in determining eligibility for JTPA and TJTC. The Governor should designate the appropriate LLSILs for use within the State from Tables 1 through 3. Table 4 may be used with any of the levels designated.

Information may be provided by disseminating information on MSAs and metropolitan and nonmetropolitan areas within the State, or it may involve further calculations. For example, the State of New Jersey may have four or more figures: Metropolitan, nonmetropolitan, for portions of the State in the New York City MSA, and for those in the Philadelphia MSA. If an SDA includes areas that would be covered by more than one figure, the Governor may determine which is to be used. Pursuant to the JTPA regulations at 20 CFR 627.1, guidelines, interpretations, and definitions adopted by the Governor shall be accepted by the Secretary to the extent that they are consistent with the JTPA and the JTPA regulations.

Disclaimer on Statistical Uses

It should be noted that the publication of these figures is only for the purpose of determining eligibility for applicable JTPA and TJTC programs. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI-U adjustments used to update the LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL but are not in the CPI-U.

Thus, these figures should not be used for any statistical purposes, and are valid only for eligibility determination purposes under the JTPA and TJTC programs.

Signed at Washington, DC, this 27th day of March, 1992.

Roberts T. Jones,
Assistant Secretary of Labor.

TABLE 1.—LOWER LIVING STANDARD INCOME LEVEL BY REGION ¹

Region	1992 adjusted LLSIL	70 percent LLSIL
Northeast:		
Metro.....	24,160	16,920
Non-Metro.....	24,050	16,840
North Central:		
Metro.....	22,320	15,630
Non-Metro.....	21,000	14,700
South:		
Metro.....	21,180	14,830
Non-Metro.....	19,800	13,860
West:		
Metro.....	23,720	16,610
Non-Metro.....	23,030	16,130

¹ For ease of calculation, these figures have been rounded to the next highest ten dollars.

TABLE 1.—LOWER LIVING STANDARD INCOME LEVEL BY REGION ¹

Region	1992 adjusted LLSIL	70 percent LLSIL
Alaska:		
Metro.....	30,360	21,560
Non-Metro.....	29,480	20,640
Hawaii-Guam:		
Metro.....	32,500	22,750
Non-Metro.....	31,560	22,100

¹ Rounded to the next highest ten dollars.

TABLE 3.—LOWER LIVING STANDARD INCOME LEVEL—25 MSAs ¹

Region MSA	1992 adjusted LLSIL	70 percent LLSIL
Anchorage, AK.....	30,360	21,260
Atlanta, GA.....	21,230	14,870
Baltimore, MD.....	22,750	15,930
Boston-Lawrence-Salem, MA/NH.....	25,780	18,050
Buffalo-Niagara Falls, NY.....	21,390	14,980
Chicago-Gary-Lake County, IL/IN/WI.....	23,280	16,300
Cincinnati-Hamilton, OH/KY/IN.....	22,600	15,820
Cleveland-Akron-Lorain, OH.....	23,300	16,310
Dallas-Ft Worth, TX.....	20,390	14,280
Denver-Boulder, CO.....	21,590	15,120
Detroit-Ann Arbor, MI.....	21,500	15,050
Honolulu, HI.....	32,500	22,750
Houston-Galveston-Brazoria, TX.....	19,960	13,980
Kansas City, MO/KS.....	21,570	15,100
Los Angeles-Anaheim-Riverside, CA.....	25,040	17,530
Milwaukee, WI.....	22,280	15,600
Minneapolis-St Paul, MN/WI.....	21,520	15,070
New York-Northern N.J.-Long Island, NY/NJ/CT.....	25,030	17,530

TABLE 3.—LOWER LIVING STANDARD INCOME LEVEL—25 MSAs¹—Continued

Region MSA	1992 adjusted LLSIL	70 percent LLSIL
Philadelphia-Wilmington-Trenton, PA/NJ/DE/MD	23,620	16,540
Pittsburgh-Beaver Valley, PA	22,220	15,560

TABLE 3.—LOWER LIVING STANDARD INCOME LEVEL—25 MSAs¹—Continued

Region MSA	1992 adjusted LLSIL	70 percent LLSIL
St Louis-East St Louis, MO/IL	21,870	15,310
San Diego, CA	25,190	17,640
San Francisco-Oakland-San Jose, CA	24,790	17,360

TABLE 3.—LOWER LIVING STANDARD INCOME LEVEL—25 MSAs¹—Continued

Region MSA	1992 adjusted LLSIL	70 percent LLSIL
Seattle-Tacoma, WA	24,810	17,370
Washington, DC/MD/VA	26,060	18,250

¹ Rounded to the next highest ten dollars.TABLE 4.—SEVENTY PERCENT OF UPDATED 1992 LLSIL, BY FAMILY SIZE¹

Family of one	Two	Three	Four	Five	Six
(4,990)	(8,180)	(11,230)	(13,860)	16,360	19,130
(5,040)	(8,250)	(11,330)	13,980	16,500	19,300
(5,150)	(8,430)	11,570	14,280	16,850	19,710
(5,300)	(8,680)	11,910	14,700	17,350	20,290
(5,340)	(8,750)	12,020	14,830	17,500	20,470
(5,360)	(8,780)	12,050	14,870	17,550	20,530
(5,400)	(8,840)	12,140	14,980	17,680	20,680
(5,420)	(8,880)	12,200	15,050	17,760	20,770
(5,430)	(8,900)	12,210	15,070	17,790	20,800
(5,440)	(8,910)	12,240	15,100	17,820	20,840
(5,450)	(8,930)	12,250	15,120	17,850	20,870
(5,520)	(9,040)	12,410	15,310	18,070	21,130
(5,810)	(9,180)	12,610	15,560	18,370	21,480
(5,620)	9,210	12,640	15,600	18,410	21,530
(5,630)	9,230	12,660	15,630	18,450	21,570
(5,700)	9,340	12,820	15,820	18,670	21,840
(5,740)	9,400	12,910	15,930	18,800	21,990
(5,810)	9,520	13,070	16,130	19,040	22,260
(5,870)	9,620	13,210	16,300	19,240	22,500
(5,880)	9,630	13,220	16,310	19,250	22,510
(5,960)	9,760	13,400	16,540	19,520	22,830
(5,980)	9,800	13,460	16,610	19,600	22,930
(6,070)	9,940	13,640	16,840	19,880	23,240
(6,100)	9,990	13,710	16,920	19,970	23,350
(6,250)	10,250	14,070	17,360	20,490	23,960
(6,260)	10,250	14,070	17,370	20,500	23,980
(6,320)	10,350	14,200	17,530	20,690	24,200
(6,350)	10,410	14,290	17,640	20,820	24,350
(6,500)	10,650	14,630	18,050	21,300	24,910
(6,570)	10,770	14,790	18,250	21,540	25,190
7,430	12,180	16,720	20,840	24,360	28,490
7,660	12,550	17,230	21,260	25,090	29,340
7,770	12,720	17,470	21,560	25,450	29,760
7,960	13,040	17,910	22,100	26,080	30,500
8,190	13,430	18,430	22,750	26,850	31,400

¹ Figures provided in Tables 1-3 of this notice are for a family of four persons. To use Table 4, the appropriate figure should be found in the Family of Four column. Then one may read across the row for family sizes other than four in the appropriate columns. For ease of calculation, these figures are rounded to the next highest ten dollars.

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BILLING CODE 4510-30-M

Pension and Welfare Benefits Administration

[Application No. D-8723]

Proposed Exemptions; Shearson Lehman Brothers, Inc.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of

the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

WRITTEN COMMENTS AND HEARING

REQUESTS: All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this *Federal Register* Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's

interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N-5649, U.S. Department of Labor, 200 Constitution Avenue NW.,

Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N-5507, 200 Constitution Avenue NW., Washington, DC 20210.

NOTICE TO INTERESTED PERSONS: Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the *Federal Register*. Such notice shall include a copy of the notice of proposed exemption as published in the *Federal Register* and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Shearson Lehman Brothers, Inc. (Shearson Lehman), Located in New York, NY

[Application No. D-8723]

Proposed Exemption

Section I. Covered Transactions

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) shall not apply to the proposed purchase or

redemption of shares by an employee benefit plan, an individual retirement account (the IRA) or a retirement plan for a self-employed individual (the Keogh Plan; collectively, the Plans) in the Shearson Lehman-established Trust for TRAK Investments (the Trust) in connection with such Plans' participation in the TRAK Personalized Investment Advisory Service (the TRAK Program). In addition, the restrictions of section 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(E) shall not apply to the provision, by the Consulting Group Division of Shearson Lehman (the Consulting Group), of investment advisory services to an independent fiduciary of a participating Plan (the Independent Plan Fiduciary) which may result in such fiduciary's selection of a portfolio grouping (the Portfolio-Type) in the TRAK Program for the investment of Plan assets.

This proposed exemption is subject to the following conditions that are set forth below in section II.

Section II. General Conditions

(1) The participation of Plans in the TRAK Program will be approved by a Plan fiduciary which is independent of Shearson Lehman.

(2) The total fees paid to the Consulting Group and its affiliates will constitute no more than reasonable compensation.

(3) No Plan will pay a fee or commission by reason of the acquisition or redemption of shares in the Trust.

(4) The terms of each purchase or redemption of Trust shares shall remain at least as favorable to an investing Plan as those obtainable in an arm's length transaction with an unrelated party.

(5) The Consulting Group will provide written documentation to an Independent Plan Fiduciary of its recommendations or evaluations based upon objective criteria.

(6) Any recommendation or evaluation made by the Consulting Group to an Independent Plan Fiduciary will be implemented only at the express direction of such independent fiduciary.

(7) The Consulting Group will generally give investment advice to an Independent Plan Fiduciary with respect to Portfolio-Types. However, in the case of a Plan providing for participant-directed investments (the Section 404(c) Plan), the Consulting Group will provide investment advice that is limited to the Portfolios made available under the Plan.

(8) Any sub-adviser (the Sub-Adviser) that is appointed by the Consulting Group to exercise investment discretion

over a Portfolio will be independent of Shearson Lehman and its affiliates.

(9) Immediately following the acquisition by a Portfolio of any securities that are issued by Shearson Lehman and/or its affiliates, the percentage of that Portfolio's net assets invested in such securities will not exceed one percent.

(10) The quarterly investment advisory fee that is paid by a Plan to the Consulting Group for investment advisory services rendered to such Plan will be offset by such amount as is necessary to assure that the Consulting Group retains no more than 20 basis points from any Portfolio which contains investments attributable to the Plan investor.

(11) The Consulting Group will not retain an investment advisory or management fee from the Government Money Investments Portfolio.

(12) With respect to its participation in the TRAK Program prior to purchasing Trust shares.

(a) Each Plan will receive the following written or oral disclosures from the Consulting Group:

(1) A copy of the prospectus (the Prospectus) for the Trust discussing the investment objectives of the Portfolios comprising the Trust, the policies employed to achieve these objectives, the corporate affiliation existing between the Consulting Group, Shearson Lehman and its subsidiaries and the compensation paid to such entities.

(2) Upon written or oral request to Shearson Lehman, a Statement of Additional Information supplementing the Prospectus which describes the types of securities and other instruments in which the Portfolios may invest, the investment policies and strategies that the Portfolios may utilize and certain risks attendant to those investments, policies and strategies.

(3) A copy of the investment advisory agreement between the Consulting Group and such Plan relating to participation in the TRAK Program.

(4) A copy of the respective investment advisory agreement between the Consulting Group and the Sub-Advisers upon written request to Shearson Lehman.

(5) In the case of a Section 404(c) Plan, if required by the arrangement negotiated between the Consulting Group and the Plan, an explanation by a Shearson Lehman Financial Consultant (the Financial Consultant) to eligible participants in such Plan, of the services offered under the TRAK Program and the operation and objectives of the Portfolios.

(b) If accepted as an investor in the TRAK Program, an Independent Plan Fiduciary of an IRA or Keogh Plan, will be required to acknowledge, in writing, prior to purchasing Trust shares that such fiduciary has received copies of such documents.

(c) With respect to a Section 404(c) Plan, written acknowledgement of the receipt of such documents will be provided by the Independent Plan Fiduciary (i.e., the plan administrator, trustee or named fiduciary, as the recordholder of Trust shares). Such Independent Plan Fiduciary will be required to represent in writing to Shearson Lehman that such fiduciary is (1) independent of Shearson Lehman and its affiliates and (2) knowledgeable with respect to the Plan in administrative matters and funding matters related thereto, and able to make an informed decision concerning participation in the TRAK Program.

(d) With respect to a Plan that is covered under title I of the Act, where investment decisions are made by a trustee, investment manager or a named fiduciary, such Independent Plan Fiduciary will be required to acknowledge, in writing, receipt of such documents and represent to Shearson Lehman that such fiduciary is (1) independent of Shearson Lehman and its affiliates, (2) capable of making an independent decision regarding the investment of Plan assets and (3) knowledgeable with respect to the Plan in administrative matters and funding matters related thereto, and able to make an informed decision concerning participation in the TRAK Program.

(13) Each Plan will receive the following written or oral disclosures with respect to its ongoing participation in the TRAK Program.

(a) The Trust's semi-annual and annual report which will include financial statements for the Trust and investment management fees paid by each Portfolio.

(b) A written quarterly monitoring report containing an analysis and an evaluation of a Plan investor's account to ascertain whether the Plan's investment objectives have been met and recommending, if required, changes in Portfolio allocations.

(c) If required by the arrangement negotiated between the Consulting Group and a Section 404(c) Plan, a quarterly, detailed investment performance monitoring report, in writing, provided to an Independent Plan Fiduciary of such Plan showing Plan level asset allocations, Plan cash flow analysis and annualized risk adjusted rates of return for Plan investments. In addition, if required by

such arrangement, Financial Consultants will meet periodically with Independent Plan Fiduciaries of Section 404(c) Plans to discuss the performance monitoring report as well as with eligible participants to review their accounts' performance.

(d) If required by the arrangement negotiated between the Consulting Group and a Section 404(c) Plan, a quarterly participant performance monitoring report provided to a Plan participant which accompanies the participant's benefit statement and describes the investment performance of the Portfolios, the investment performance of the participant's individual investment in the TRAK Program, and gives market commentary and toll-free numbers that will enable the participant to obtain more information about the TRAK Program or to amend his or her investment allocations.

(e) On a quarterly and annual basis, written disclosures to all Plans of the (1) percentage of each Portfolio's brokerage commissions that are paid to Shearson Lehman and its affiliates and (2) the average brokerage commission per share paid by each Portfolio to Shearson Lehman and its affiliates, as compared to the average brokerage commission per share paid by the Trust to brokers other than Shearson Lehman and its affiliates, both expressed as cents per share.

(14) Shearson Lehman shall maintain, for a period of six years, the records necessary to enable the persons described in paragraph (15) of this section to determine whether the conditions of this exemption have been met, except that (a) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of Shearson Lehman and/or its affiliates, the records are lost or destroyed prior to the end of the six year period, and (b) no party in interest other than Shearson Lehman shall be subject to the civil penalty that may be assessed under section 502(1) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (15) below.

(15) (a) Except as provided in section (b) of this paragraph and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (14) of this section shall be unconditionally available at their customary location during normal business hours by:

(1) Any duly authorized employee or representative of the Department or the Internal Revenue Service (the Service);

(2) Any fiduciary of a participating Plan or any duly authorized representative of such fiduciary;

(3) Any contributing employer to any participating Plan or any duly authorized employee representative of such employer; and

(4) Any participant or beneficiary of any participating Plan, or any duly authorized representative of such participant or beneficiary.

(b) None of the persons described above in subparagraphs (2)–(4) of this paragraph (15) shall be authorized to examine the trade secrets of Shearson Lehman or commercial or financial information which is privileged or confidential.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material facts which are the subject of this exemption.

Summary of Facts and Representations

1. Shearson Lehman, whose principal executive offices are located in New York, New York, is a wholly owned subsidiary of Shearson Lehman Brothers Holdings, Inc. (Shearson Holdings). Shearson Holdings is one of the leading full-line securities firms servicing institutions, governments and individual investors in the United States and throughout the world. Shearson Holdings conducts its principal businesses through two divisions— Shearson Lehman Brothers (referred to herein as Shearson Lehman) and Lehman Brothers. Shearson Lehman is responsible for individual investor services and asset management while Lehman Brothers is responsible for securities underwriting, financial advisory, investment and merchant banking services and securities and commodities trading as principal and agent. Shearson Holdings is a member of all principal securities and commodities exchanges in the United States and the National Association of Securities Dealers, Inc. In addition, it holds memberships or associate memberships on several principal foreign securities and commodities exchanges.

Shearson Holdings was incorporated in Delaware on December 29, 1983. The American Express Company owns 100 percent of Shearson Holdings' issued and outstanding common stock, which represents 92 percent of its issued and outstanding voting stock. The 8 percent

remaining shares of Shearson Holdings' issued and outstanding voting stock is preferred stock which is owned by Nippon Life Insurance Company. Although Shearson Holdings is not an operating company and, as such, it maintains no assets under management, as of December 31, 1991, Shearson Lehman and its subsidiaries rendered investment advisory services with respect to \$91 billion in assets.

2. On April 12, 1991, Shearson Lehman formed the Trust, a no load, open-end, diversified management investment company registered under the Investment Company Act of 1940, as amended. The Trust is organized as a Massachusetts business trust and it has an indefinite duration. As of January 17, 1992, the Trust had net assets of \$132,608,001.

The Trust consists of twelve different portfolios which range from Government Money Investments to International Fixed Income Investments and which pay monthly or annual dividends to investors. The Portfolios currently have a per share value ranging from \$0 per share for Balanced Investments to \$9.45 per share for Small Capitalization Growth Equity Investments. The composition of the Portfolios covers a spectrum of investments which include U.S. Government-related securities of equity or debt securities issued by foreign or domestic corporations. The Portfolios are further categorized under four major Portfolio-Types.¹

3. Shares in the Trust are offered by Shearson Lehman, as distributors, at no load, to participants in the TRAK Program.² Although investors in the

¹ Because a Portfolio is not precluded from investing in securities that are issued by Shearson Lehman or its affiliates, Shearson Lehman represents that, as a limitation, the percentage of that Portfolio's net assets invested in these securities will never exceed one percent.

² According to the Statement of Additional Information which accompanies the Prospectus for the TRAK Program, shares in the Trust are not certificated for reasons of economy and convenience. Boston Safe Deposit and Trust Company, the Trust's custodian, however, maintains a record of each investor's ownership of shares. Although Trust shares are transferable and accord voting rights to their owners, they do not confer pre-emptive rights (i.e., the privilege of a shareholder to maintain a proportionate share of ownership of a company by purchasing a proportionate share of any new stock issues). Shearson Lehman represents that in the context of an open-end investment company, that continuously issues and redeems shares, a pre-emptive right would make the normal operations of the Trust impossible. Therefore, such right is precluded in the charter documents of the Trust's Master Trust Agreement as well as those of other open-end investment companies.

As for voting rights, Shearson Lehman states that they are accorded to recordholders of Trust shares. Shearson Lehman notes that a recordholder of Trust shares may determine to seek the submission of

Trust currently consist of institutions and individuals, it is proposed that prospective investors will include plans for which Shearson Lehman may or may not currently maintain investment accounts. A majority of these Plans will be IRAs or Keogh Plans. In addition, it is proposed that Plans for which Shearson Lehman or an affiliate serves as a prototype sponsor and/or a nondiscretionary trustee or custodian be permitted to invest in the Trust.³

The applicant represents that the initial purchase of shares in the Trust by a Plan may give rise to a prohibited transaction where Shearson Lehman or an affiliate has a party in interest relationship with the Plan. Shearson Lehman also acknowledges that a prohibited transaction could arise upon a subsequent purchase or redemption of shares in the Trust by a participating Plan inasmuch as the party in interest relationship between Shearson Lehman and the Plan may have been established at that point. Accordingly, Shearson Lehman has requested prospective exemptive relief from the Department with respect to the purchase and redemption of shares in the Trust by participating Plans which it does not sponsor or have discretionary investment authority over the Plan's assets which would be invested in Trust shares.⁴ Such shares will be held in a

proxies by Plan participants and vote Trust shares accordingly. In the case of individual account plans such as Section 404(c) Plans, Shearson Lehman notes that most Plans will pass-through the vote to participants on a pro-rata basis.

³ The Department notes that the general standards of fiduciary conduct promulgated under the Act would apply to the participation in the TRAK Program by an Independent Plan Fiduciary. Section 404 of the Act requires that a fiduciary discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion. Accordingly, an Independent Plan Fiduciary must act prudently with respect to the decision to enter into the TRAK Program with the Consulting Group as well as with respect to the negotiation of services that will be performed thereunder and the compensation that will be paid to Shearson Lehman and its affiliates. The Department expects that an Independent Plan Fiduciary, prior to entering in the TRAK Program, to understand fully all aspects of such arrangement following disclosure by Shearson Lehman of all relevant information.

⁴ The applicant represents that employee benefit plans for are maintained by Shearson Lehman may purchase or redeem shares in the Trust under the provisions of Prohibited Transaction Exemption (PTE) 77-3 (42 FR 18734, April 8, 1977). The applicant further represents that, although the exemptive relief proposed above would not permit Shearson Lehman or an affiliate, while serving as a Plan fiduciary with discretionary authority over the management of a Plan's assets, to invest a Plan's assets in the Trust shares, a purchase or redemption of Trust shares under such circumstances will comply with the terms and conditions of class PTE 77-4 (42 FR 18732, April 8, 1977). The Department expresses no opinion herein as to whether such transactions will comply with the terms and conditions of PTEs 77-3 and 77-4.

brokerage account maintained by the Plan with Shearson Lehman. No commissions or fees will be paid with respect to such transactions.

According to the applicant, the minimum initial investment in the Trust is set at \$20,000, and may be reduced periodically to \$10,000. Effectively, therefore, a Plan with less than \$20,000 in assets (\$10,000 when the minimum has been reduced) would not be able to participate in the TRAK Program. The minimum investment in a Portfolio is \$100.

4. Overall responsibility for the management and supervision of the Trust and the Portfolios rests with the Trust's Board of Trustees (The Trustees) which is comprised of twelve members. The Trustees approve all significant agreements involving the Trust and the persons and companies that provide services to the Trust and the Portfolios. Three of the Trustees and all of the Trust's executive officers are affiliated with Shearson Lehman and/or its affiliates. The nine remaining Trustees are not affiliated with Shearson Lehman.

5. Boston Advisors, located in Boston, Massachusetts, is a wholly owned subsidiary of The Boston Company, a financial services holding company which is, in turn, wholly owned by Shearson Lehman. Boston Advisors provides investment management, investment advisory and/or administrative services to investment companies with total assets in excess of \$83 billion as of July 31, 1991. Boston Advisors serves as the Trust's administrator. In particular, Boston Advisors calculates the net asset value⁵ of the Portfolios' shares and manages all aspects of the Portfolios' administration and operation. In addition, Boston Advisors is responsible for managing each Portfolio's temporary investments in money market instruments, as well as making arrangements for, and managing collateral received with respect to, the lending of securities by each Portfolio.

6. Organized within Shearson Lehman, is the Consulting Group, which is located in Wilmington, Delaware. The Consulting Group serves as the

⁵ Each Portfolio's net asset value per share is calculated by Boston Advisors on each weekday, except on days on which the New York Stock Exchange (the NYSE) is closed. In general, the net asset value for securities is determined as of the close of trading on the NYSE or a foreign exchange by dividing the value of a Portfolio net assets by the total number of its shares outstanding. Typically, a Portfolio's investments are valued at market value. However, in the absence of a market value, Portfolio investments are valued at fair market value as determined by, or under the direction of, the Trustees.

investment manager of the Trust and the underlying Portfolios. Although the Consulting Group has not previously served as investment manager for a registered investment company, it and its related division, the Consulting Services Division of Shearson Lehman (Consulting Services), have over eighteen years of experience in evaluating investment advisers for individual and institutional investors. Together the Consulting Group and Consulting Services provide various financial consulting services to over 30,000 accounts, representing more than \$30 billion in client assets. Account sizes range from institutional accounts in excess of \$1 billion to individual accounts with \$100,000 minimum investments. As of July 31, 1991, the Consulting Group rendered advisory services with respect to assets with a value in excess of \$42.7 billion.

7. Under its investment management agreement, the Consulting Group is required to make recommendations to the Trustees regarding (a) the investment policies of each Portfolio and (b) the selection and retention of certain Sub-Advisers which exercise investment discretion over each Portfolio.⁶ In addition, through the TRAK Program, the Consulting Group provides investors with non-binding, generalized asset allocation recommendations with respect to such investors' investments in the Portfolios. For example, the Consulting Group evaluates an investor's risk tolerances and financial goals, provides investment advice as to the appropriate mix of investment types designed to balance the investor's risk tolerances as part of a long-term investment strategy and provides the investor with advice about implementing its investment decisions through the Trust. However, the applicant states that the Consulting Group does not have any discretionary authority or control with respect to the allocation of an investor's assets among the Portfolios.

In the case of an IRA, a Keogh Plan or a Title I Plan, the applicant represents that all of the Consulting Group's

⁶ Subject to the supervision and direction of the Trustees, the Consulting Group was required to perform initial "due diligence" on prospective Sub-Advisers for each Portfolio and thereafter to monitor each Sub-Adviser's performance through qualitative and quantitative analysis as well as through periodic, in person, telephonic and written consultations. The Consulting Group is also required to communicate its performance expectations and evaluations to the Sub-Advisers and ultimately recommend whether a Sub-Adviser's contract should be renewed, modified or terminated. In this regard, the Consulting Group is further obligated to provide written reports to the Trustees of its evaluation and monitoring functions.

recommendations and evaluations will be presented to a Plan fiduciary which is independent of Shearson Lehman and will be implemented only if accepted and acted upon by such Independent Plan Fiduciary. In the case of a Section 404(c) Plan, Shearson Lehman represents that participants in such Plan will be presented with the Consulting Group's recommendations and evaluations only to the extent agreed to by Shearson Lehman and the Plan sponsor. Shearson Lehman expects that some sponsors of Section 404(c) Plans will elect to have the Consulting Group's recommendations and evaluations passed-through to participants, while others will elect to have the Independent Plan Fiduciary responsible for selecting the Portfolios made available to Plan participants receive such advice.⁷

8. As stated above, the Consulting Group is responsible for selecting the Sub-Advisers which provide discretionary advisory services with respect to the investment of the assets of the individual Portfolios on the basis of their "able" performance in their respective areas of expertise in asset management. The applicant represents that there are presently eleven Sub-Advisers, all of which are independent of, and will remain independent of, Shearson Lehman and/or its affiliates.⁸ The Sub-Advisers are registered investment advisers under the Investment Adviser's Act of 1940. They maintain their principal executive offices in the eastern and western regions of the United States. As of June

⁷ If the Independent Plan Fiduciary of a Section 404(c) Plan is the recipient of the Consulting Group's investment advice, the applicant explains that the Consulting Group will work with the Independent Plan Fiduciary by identifying and drafting investment objectives, selecting investment categories or actual Portfolios to be offered to Plan participants. In addition to these services (and as described above), the applicant explains that the Consulting Group will provide an Independent Plan Fiduciary with a detailed investment performance monitoring report on a quarterly basis. Furthermore, a Financial Consultant affiliated with Shearson Lehman will meet periodically with the Independent Plan Fiduciary to discuss the investment performance monitoring report.

However, if investment advisory services are provided directly to a participant in a Section 404(c) Plan, the applicant explains (as also described herein above) that a Financial Consultant will provide a participant with pre-enrollment meetings and ongoing communications regarding the TRAK Program. In addition, the applicant notes that the Consulting Group will recommend long term investment allocations to the participant and provide the participant with a written, quarterly performance monitoring report.

⁸ Although there are presently twelve Portfolios comprising the Trust, there are only eleven Sub-Advisers. One Sub-Adviser, Standish, Ayer and Wood, Inc., advises both the Government Money Investments Portfolio and the Intermediate Fixed Income Investments Portfolio.

30, 1991, the Sub-Advisers had assets under management ranging from \$62 million to \$51 billion.

9. In order for a Plan to participate in the TRAK Program, Shearson Lehman or the Consulting Group will provide an Independent Plan Fiduciary with a copy of the Trust Prospectus discussing the investment objectives of the Portfolios comprising the Trust, the policies employed to achieve these objectives, the corporate affiliation existing between the Consulting Group, Shearson Lehman and its subsidiaries and the compensation paid to such entities. In addition, upon written or oral request to Shearson Lehman, the Independent Plan Fiduciary will be given a Statement of Additional Information supplementing the Prospectus which describes the types of securities and other instruments in which the Portfolios may invest, the investment policies and strategies that the Portfolios may utilize and certain risks attendant to those investments, policies and strategies.⁹ Further, each Plan will be given a copy of the investment advisory agreement between the Consulting Group and such Plan relating to participation in the TRAK Program, and upon written request to Shearson Lehman, with a copy of the respective investment advisory agreement between the Consulting Group and the Sub-Advisers.

With respect to a Section 404(c) Plan, Financial Consultants affiliated with Shearson Lehman will explain the services offered under the TRAK Program to eligible Section 404(c) Plan participants as well as the operation and objectives of the Portfolios, if required by the arrangement negotiated between the Consulting Group and the Plan.¹⁰

If accepted as a Trust investor, an Independent Plan Fiduciary will be required by Shearson Lehman to acknowledge, in writing, prior to purchasing Trust shares that such fiduciary has received copies of the aforementioned documents. With

⁹ In the case of a Section 404(c) Plan, the applicant represents that the Plan administrator, trustee or named fiduciary, as the recordholder of Trust shares, will make available the Trust's Prospectus to Section 404(c) Plan participants. In addition, Shearson Lehman will make available to such Independent Plan Fiduciaries sufficient quantities of Prospectuses for this purpose, as well as provide Statements of Additional Information to any party upon request.

¹⁰ The Department is expressing no opinion as to whether the information provided under the TRAK Program is sufficient to enable a participant to exercise independent control over assets in his or her account as contemplated by section 404(c) of the Act.

respect to a Plan that is covered by Title I of the Act (e.g., a defined contribution plan), where investment decisions will be made by a trustee, investment manager or a named fiduciary, Shearson Lehman will require (except if relying on Class PTE 77-3) that such Independent Plan Fiduciary acknowledge in writing receipt of such documents and represent to Shearson Lehman that such fiduciary is (a) independent of Shearson Lehman and its affiliates, (b) capable of making an independent decision regarding the investment of Plan assets and (c) knowledgeable with respect to the Plan in administrative matters and funding matters related thereto, and able to make an informed decision concerning participation in the TRAK Program.

With respect to Section 404(c) Plan, written acknowledgment of the receipt of such documents will be provided by the Independent Plan Fiduciary (i.e., the Plan administrator, trustee or named fiduciary, as the recordholder of Trust shares). Such Independent Plan Fiduciary will be required to represent, in writing, to Shearson Lehman that such fiduciary is (a) independent of Shearson Lehman and its affiliates and (b) knowledgeable with respect to the Plan in administrative matters and funding matters related thereto, and able to make an informed decision concerning participation in the TRAK Program.

10. The books of the Trust will be audited annually by independent public accountants selected by the Trustees and approved by the investors. All investors will receive copies of an audited financial report no later than 60 days after the close of each Trust fiscal year. The books and financial records of the Trust will be open for inspection by any investor, as well as the Department and the Service, at all times during regular business hours.

11. As noted under the TRAK Program, the Consulting Group will provide the Independent Plan Fiduciary with asset allocation advice related to the Portfolios. In this regard, the applicant states that the Consulting Group's asset allocation advice will not focus on recommendations that a Plan's assets be allocated to a specific Portfolio. Rather, the applicant represents that the Consulting Group will recommend only that Plan assets be allocated among particular types of Portfolios (e.g., Growth, Fixed Income, etc.)

After the selection of specific Portfolios by an Independent Plan Fiduciary, the Consulting Group will continue to render general Portfolio-Type selection advice to Plans or Plan fiduciaries relating to asset allocations

among the selected Portfolios. However, in the case of a Section 404(c) Plan in which at least three to five Portfolios may be selected by the Plan sponsor, the Consulting Group's initial asset allocation advice will be limited to the suggested Portfolio-Types offered under the Plan. The Consulting Group may also work with the Independent Plan Fiduciary to identify and draft investment objectives, select investment categories or actual Portfolios to be offered to Plan participants, if such fiduciary is the recipient of the Consulting Group's asset allocation advice, or recommend appropriate long-term investment allocations to an individual participant, if the participant receives such advice.

12. The Consulting Group will also identify a Plan's risk tolerances and investment objectives, the performance of each Portfolio in which assets are invested, and recommend, in writing, an appropriate allocation of assets among the Portfolio-Types that conform to these tolerances and objectives. The Consulting Group will not have the authority to implement its advice or recommendations and will not participate in the deliberations regarding the decision by an investor of whether or not to act upon such advice. As noted earlier, the applicant represents that the decision of a Plan to invest in the TRAK Program will be made by an unrelated Plan fiduciary acting on the basis of his or her own investigation into the advisability of participating in the TRAK Program.

13. The Consulting Group will provide, at least quarterly, monitoring reports to a Title I, IRA or Keogh Plan containing an analysis and evaluation of the Plan's account to ascertain whether the investor's objectives are being met and recommending, when appropriate, changes in the allocation among the Portfolios.

If required by the arrangement negotiated with the Independent Plan Fiduciary, the Consulting Group will provide an Independent Plan Fiduciary of a Section 404(c) Plan with a written, detailed investment performance monitoring report, that will contain Plan level asset allocations showing the performance of the Plan's investment vehicles and the performance of relevant indices for evaluating the performance of each Portfolio, a Plan cash flow analysis and annualized risk adjusted rates of return for Plan investment vehicles. Such report will be provided on a quarterly basis.

In addition, to the extent required by the arrangement negotiated with the Consulting Group, a Section 404(c) Plan participant will receive a written,

quarterly performance monitoring report with his or her quarterly benefit statement which includes the investment performance of the Portfolios, the investment performance for the participant's account, and specifies market commentary and toll-free numbers for such participant to call Shearson Lehman in order to obtain more information about the TRAK Program or to amend the participant's investment allocations. Further, if required by such arrangement, a Financial Consultant will meet periodically with an Independent Plan Fiduciary of a Section 404(c) Plan to review and discuss the investment performance monitoring report. The Financial Consultant may also meet periodically with an eligible participant to review the performance of the participant's account. The applicant notes that this intermittent contact will not prevent the participant from contacting the Financial Consultant at any time to inquire about his or her participation in the TRAK Program.

Finally, on a quarterly and annual basis, the Consulting Group will provide written disclosures to all Plans with respect to (1) the percentage of each Trust Portfolio's brokerage commissions that are paid to Shearson Lehman and its affiliates and (2) the average brokerage commission per share paid by each Portfolio to Shearson Lehman as compared to the average brokerage commission per share paid by each Portfolio to brokers other than Shearson Lehman and its affiliates, both expressed as cents per share.

14. Shares of a Portfolio will be redeemed by Shearson Lehman, at no charge, and generally on a daily basis (weekends and holidays excepted) when the Portfolio calculates its net asset value. Redemption requests received in proper form prior to the close of trading on the NYSE will be affected at the net asset value per share determined on that day. Redemption requests received after the close of regular trading on the NYSE will be effected at the net asset value at the close of business of the next day, except on weekends or holidays when the NYSE is closed. A Portfolio is required to transmit redemption proceeds for credit to an investor's account with Shearson Lehman or to an "introducing" broker ¹¹ within 7 days

¹¹ According to the applicant, Shearson Lehman provides clearance, settlement and other back office services to other broker-dealers. The applicant notes that Shearson Lehman may also provide confirmations and account statements to clients of brokers who have "introduced" clients to Shearson Lehman such as The Robinson Humphrey Company, Inc. a wholly-owned broker-dealer subsidiary of Shearson Lehman.

after receipt of the redemption request. In the case of an IRA or Keogh Plan investor, Shearson Lehman will not hold redemption proceeds as free credit balances and will, in the absence of receiving investment instructions, place all such assets in a money market fund that is not affiliated with Shearson Lehman. In the case of Plans that are covered by title I of the Act, the redemption proceeds will be invested by Shearson Lehman in accordance with the investment directions of the Independent Plan Fiduciary responsible for the management of the Plan's assets. With respect to a Section 404(c) Plan, the treatment of such investment assets will depend upon the arrangement for participant investment instructions selected by the Plan sponsor.¹² In the event that the Independent Plan Fiduciary does not give other investment directions, such assets will be swept weekly into a money market fund that is not affiliated with Shearson Lehman for the benefit of the Plan.

Due to the high costs of maintaining small accounts, the Trust may also redeem an account having a current value of \$7,500 or less, after the investor has been given at least 30 days in which to increase the account balance to more than the \$7,500 amount. Proceeds of an involuntary redemption will be deposited in the investor's brokerage account unless Shearson Lehman is otherwise instructed.

15. Shares of a Portfolio may be exchanged by an investor with another investor in the TRAK Program without payment of any exchange fee for shares of another Portfolio at their respective net asset values. However, Portfolio shares are not exchangeable with shares of other funds within the Shearson Lehman Group of funds or portfolio families.

16. With respect to brokerage transactions that are entered into under the TRAK Program for a Portfolio, such transactions may be executed through Shearson-Lehman and other affiliated broker-dealers, if in the judgment of the Sub-Adviser, the use of such broker-

¹² Shearson Lehman explains that, under one alternative, Plan participants who give instructions to redeem shares of a Portfolio must give corresponding instructions to reinvest proceeds in another investment vehicle made available under the Plan, thus ensuring that a participant's investment assets are continually invested. Under a second alternative which is described above, Shearson Lehman represents that participants will not be required to give corresponding instructions and all investment assets for which no investment instructions have been given will be swept into a money market fund that is not affiliated with Shearson Lehman. In this regard, the Department is expressing no opinion regarding whether any of the arrangements described above comply with the requirements of section 404(c) of the Act.

dealer is likely to result in price and execution at least as favorable, and at a commission charge at least as comparable to those of other qualified broker-dealers. In addition, Shearson Lehman may not execute transactions for a Portfolio on the floor of any national securities exchange but it may effect transactions by transmitting orders to other brokers for execution. In this regard, Shearson Lehman is required to pay fees charged by those persons performing the floor brokerage elements out of the brokerage compensation it receives from a Portfolio.

17. Each Portfolio bears its own expenses, which generally include all costs that are not specifically borne by the Consulting Group, the Sub-Advisers or Boston Advisors. Included among a Portfolio's expenses are costs incurred in connection with the Portfolio's organization, investment management and administration fees, fees for necessary professional and brokerage services, fees for any pricing service, the costs of regulatory compliance and costs associated with maintaining the Trust's legal existence and shareholder relations. No Portfolio, however, will impose sales charges on purchases, reinvested dividends, deferred sales charges, redemption fees, nor will any Portfolio incur distribution expenses.

18. The total fees that are paid to the Consulting Group and its affiliates will constitute no more than reasonable compensation. In this regard, for its asset allocation and related services, the Consulting Group charges an investor a quarterly investment advisory fee. This "outside fee" is negotiated between the Consulting Group and the investor and it varies up to an annual maximum of 1.50 percent of the net asset value of the investor's Trust shares computed each quarter based on the value determined on the last calendar day of the previous calendar quarter. The outside fee is charged directly to an investor and it is not affected by the allocation of assets among the Portfolios nor by whether an investor follows or ignores the Consulting Group's advice.¹³ For Plan

¹³ The applicant represents that the outside fee is not imposed on accounts of employees of American Express and its subsidiaries, including Shearson Lehman, accounts of their immediate families and IRAs and certain employee pension benefit plans for these persons. The applicant states that this fee is waived to encourage employees to invest in Shearson Lehman. With respect to IRAs or Plans maintained by Shearson Lehman and its affiliates, the applicant asserts that such waiver would be required by PTE 77-3.

investors, the outside fee for a calendar quarter will be reduced by an amount equal to, for all Portfolios in which Plan assets are invested (a) the value of Plan assets invested in a Portfolio on the last calendar day of the previous calendar quarter (or the value of an initial investment in the Portfolio, as of the day such initial investment is made during the calendar quarter) multiplied by (b) a reduction factor (the Reduction Factor) which is described in below, multiplied by (c) a fraction, the numerator of which is the number of days in the period for which the outside fee is being assessed and the denominator of which is the actual number of days in the calendar year of which that period is a part. For subsequent investments or redemptions aggregating to more than \$5,000, the pro-rated fee for credit for the balance of the quarter will be calculated on the basis of the net percentage of the outside fee paid for the quarter during which the subsequent investment or redemption is made.

In addition, for investment management and related services provided to the Trust, the Consulting Group is paid, from each Portfolio, a management fee which computed daily and paid monthly at an annual rate ranging from .15 percent to .70 percent of the value of the Portfolio's average daily net assets depending upon the Portfolio's objective. From these management fees, the Consulting Group compensates the Sub-Adviser. This "inside fee," which is the difference between the individual Portfolio's total management fee and the fee paid by the Consulting Group to the Sub-Adviser, varies from 20 to 30 basis points depending on the Portfolio (except for the Government Money Investments Portfolio which, for competitive purposes, pays a management fee equal to the Sub-Adviser's fee). Each Portfolio also pays Boston Advisors a management fee that is computed daily and paid monthly for the services it performs as administrator to the Trust at an annual fixed rate of .20 percent of the value of the Portfolio's average daily net assets. Such fee is also included in the total management fee.

The management fees that are paid at the Portfolio level to Boston Advisors, the Consulting Group and the Sub-Advisers are set forth in the table below. For purposes of the table, Boston Advisors is referred to as "BA", the Consulting Group as "CG" and the Sub-Advisers as "SA." As noted in the table, the sum of the management fees paid by a Portfolio to Boston Advisors plus the fees retained by the Consulting Group and the Sub-Advisers equals the total management fee paid by that Portfolio.

Portfolio	Total management fee	BA fee (percent)	Total fee SA/CG (percent)	SA retained fee (percent)	CG retained fee (percent)
Government money investments.....	.35	.20	.15	.15	0.00
Intermediate fixed income investments.....	.60	.20	.40	.20	.20
Total return fixed income investments.....	.60	.20	.40	.20	.20
Municipal bond investments.....	.60	.20	.40	.20	.20
Mortgage backed investments.....	.70	.20	.50	.25	.25
Balanced investments.....	.80	.20	.60	.30	.30
Large capitalization value equity investments.....	.80	.20	.60	.30	.30
Large capitalization growth investments.....	.80	.20	.60	.30	.30
Small capitalization value equity investments.....	.80	.20	.60	.30	.30
Small capitalization growth investments.....	.80	.20	.60	.30	.30
International equity investments.....	.90	.20	.70	.40	.30
International fixed income investments.....	.70	.20	.50	.25	.25

Shearson Lehman proposes to offset, quarterly, against the outside fee such amount as is necessary to assure that the Consulting Group retains no more than 20 basis points from any Portfolio on investment of assets attributable to any Plan.¹⁴ In this way, the aggregate of the inside fees and the outside fees retained by the Consulting Group will remain constant regardless of the distribution of a Plan's assets among the Portfolio.

Shearson Lehman has developed the following example to demonstrate how the fee offset mechanism would work:

Assume that as of March 31, 1992, the average daily value of Trust Portfolio shares held by a Plan investor was \$1,000. Investment assets attributable to the Plan were distributed among five Trust Portfolios: (1) Government Money Investments in which the Plan made a \$50 investment and from which the Consulting Group would not retain an inside fee; (2) Total Return Fixed Income Investments in which the Plan made a \$200 investment and the Consulting Group would retain an inside fee of .20 percent; (3) Small Capitalization Growth Investments in which the Plan made a \$250 investment and the Consulting Group would be entitled to receive an inside fee of .30 percent; (4) Large Capitalization Growth Investments in which the Plan made a \$250 investment and the Consulting Group would retain an inside fee of .30 percent; and (5) International Equity Investments in which the Plan made a \$250 investment and the Consulting Group would be entitled to receive an inside fee of .30 percent.

Assume that the Plan investor pays the maximum annual outside fee of 1.50 percent so that the total outside fee for the calendar quarter April 1 through June 30, prior to the fee offset would be (\$1,000) 1.50% (.25) = \$3.75.

¹⁴ Shearson Lehman asserts that it chose 20 basis points as the maximum net fee retained for management services rendered to the Portfolios because this amount represents the lowest percentage management fee charged by Shearson Lehman among the Portfolios (excluding the Government Money Investments Portfolio for which Shearson Lehman charges no management fee).

Under the proposed fee offset, the outside fee charged to the Plan must be reduced by a Reduction Factor to ensure that the Consulting Group retains an inside fee of no more than .20% from each of the Portfolios on investment assets attributable to the Plan. The following table shows the Reduction Factor as applied to each of the Portfolios comprising the Trust:

Portfolio	CG retained fee (percent)	Fee offset (percent)	Reduction factor (percent)
Government money investments.....	0.00	.20	0.00
Intermediate fixed income investments.....	.20	.20	.00
Total return fixed income investments.....	.20	.20	.00
Municipal bond investments.....	.20	.20	.00
Mortgage backed investments.....	.25	.20	.05
Balanced investments.....	.30	.20	.10
Large capitalization value equity investments.....	.30	.20	.10
Large capitalization growth investments.....	.30	.20	.10
Small capitalization value equity investments.....	.30	.20	.10
Small capitalization growth investments.....	.30	.20	.10
International equity investments.....	.30	.20	.10
International fixed income investments.....	.25	.20	.05

Under the proposed fee offset, a Reduction Factor of .10% is applied against the quarterly outside fee with respect to the value of Plan assets that have been invested in Portfolios (3), (4) and (5) only. As noted above Portfolios (1) and (2) do not involve a Reduction Factor because the fee retained by the Consulting Group for these Portfolios does not exceed 20 basis points. Therefore, the quarterly offset for the plan investor is

computed as follows: (.25) [(\$250) .10% + (\$250) .10%] = \$0.1875.

In the foregoing example, the Plan investor, like all other investors in the TRAK Program, would receive a statement for its TRAK account on or about April 15, 1992. This statement would show the outside fee to be charged for the calendar quarter April 1, through June 30 (i.e., \$3.75 - \$0.1875 = \$3.5625). The Plan investor would be asked to pay the outside fee for that quarter by May 3, 1992 (i.e., the third day of the second month of the calendar quarter). If the outside fee were not paid by that date, Shearson Lehman would debit the account of the Plan investor (as with other investors) for the amount of the outside fee (pursuant to the authorization contained in the TRAK Investment Advisory Agreement, and as described in the Statement of Additional Information appended to the Prospectus).¹⁵

Because the Consulting Group will retain no inside fee with respect to assets invested in the Government Money Investment Portfolio, Shearson Lehman notes that a potential conflict may exist by reason of the variance in net inside fees among the Government Money Investments Portfolio and the other Portfolios. Shearson Lehman also recognizes that this factor could result in the Consulting Group's recommendation of a higher-fee generating Portfolio-Type to an investing Plan. To address this potential conflict, Shearson Lehman will disclose to all participants in the TRAK

¹⁵ The applicant explains that the foregoing example illustrates the fact that the outside fee and the fee offset are computed contemporaneously and that Plan investors will get the benefit of the fee offset contemporaneously upon the payment of the outside fee. Because the inside fee is paid monthly and the fee offset is computed quarterly, the applicant also explains that Shearson Lehman does not receive the benefit of a "float" as a result of such calculations because the fee offset will always be realized no later than the time that the outside fee is paid (i.e., on or about the third day of the second month of the calendar quarter). Since the inside fee is paid at the end of each calendar month, the applicant further explains that Plan investors will realize the full benefit of the offset before the time that the inside fee is paid for the second and third months of the calendar quarter.

Program that the Consulting Group will retain no inside fee for assets invested in the Government Money Investments Portfolio.

19. In summary, it is represented that the proposed transactions will meet the statutory criteria for an exemption under section 408(a) of the Act because: (a) The investment of a Plan's assets in the TRAK Program will be made and approved by a Plan fiduciary which is independent of Shearson Lehman and its affiliates such that Independent Plan Fiduciaries will maintain complete discretion with respect to participating in the TRAK Program; (b) Independent Plan Fiduciaries will have an opportunity to redeem their shares in the Trust in such fiduciaries' individual discretion; (c) no Plan will pay a fee or commission by reason of the acquisition or redemption of shares in the Trust; (d) prior to making an investment in TRAK, each Independent Plan Fiduciary will receive offering materials and disclosures from either Shearson Lehman or the Consulting Group which disclose all material facts concerning the purpose, structure, operation and investment in the TRAK Program; (e) the Consulting Group will provide written documentation to an Independent Plan Fiduciary of its recommendations or evaluations, including the reasons and objective criteria forming the basis for such recommendations or evaluations; (f) any sub-Adviser that is appointed by the Consulting Group to exercise investment discretion over a Portfolio will always be independent of Shearson Lehman and its affiliates; (g) the annual investment advisory fee that is paid by a Plan to the Consulting Group for investment advisory services rendered to such Plan will be offset by such amount as is necessary to assure that the Consulting Group retains no more than 20 basis points from any Portfolio on investment assets attributable to the Plan investor; (h) the Consulting Group or Shearson Lehman will make periodic written disclosures to participating Plans with respect to the financial condition of the TRAK Program, the total fees that it and its affiliates will receive from such Plan investors and the value of the Plan's interest in the TRAK Program; and (i) on a quarterly and annual basis, the Consulting Group will provide written disclosures to all Plans with respect to (1) the percentage of each Trust Portfolio's brokerage commissions that are paid to Shearson Lehman and its affiliates and (2) the average brokerage commission per share paid by each Portfolio to Shearson Lehman as compared to the average brokerage commission per share paid by

each Portfolio to brokers other than Shearson Lehman and its affiliates, both expressed as cents per share.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(20) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act, nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 31st day of March 1992.

Ivan Strafeld,

*Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
U.S. Department of Labor.*

[FR Doc. 92-7712 Filed 4-2-92; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 92-20]

NASA Advisory Council Task Force on NASA's Education Programs; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council Task Force on NASA's Education Programs.

DATES: April 29, 1992, 9 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT:

Dr. Sylvia D. Fries, Code ADA-2, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-8766.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Task Force on NASA's Education Programs, reporting to the Council, will review the full breadth of NASA's education activities and examine the objectives and strategies of the agency's education program in light of the President's Education Goals. The Task Force is chaired by Mr. Thomas J. Murrin and is composed of 9 members. The meeting will be open to the public up to the seating capacity of the room, which is approximately 60 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register.

Type of Meeting: Open.

AGENDA

Wednesday, April 29, 1992

9 a.m.—Opening Remarks.

9:15 a.m.—Federal Coordinating Council for Science, Engineering and Technology, Committee on Human Resources: Strategic Plan.

10:30 a.m.—NASA Office of Space Science and Applications: Education Activities.
1 p.m.—NASA Education Strategic Plan.
3 p.m.—Adjourn.

Dated: March 30, 1992.

John W. Gaff,
Advisory Committee Management Officer,
National Aeronautics and Space
Administration.

[FR Doc. 92-7708 Filed 4-2-92; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Meeting

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its sixteenth meeting on Monday, April 20, 1992, during a conference call between Commission members and staff. The Commission was established by Public Law 100-297, April 28, 1988.

DATE, TIME, AND PLACE: Monday, April 20, 1992, 4:30 p.m. to 6:30 p.m., at 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

STATUS: Open—audio equipment provided for public attendance. Limited seating available.

AGENDA: Discussion of outline for the final report and drafts of Chapters 1 and 5.

FOR FURTHER INFORMATION CONTACT:

Elizabeth J. Skiles (301) 492-5336,
National Commission on Migrant
Education, 8120 Woodmont Avenue,
Fifth Floor, Bethesda, Maryland 20814.

Linda Chavez,
Chairman.

[FR Doc. 92-7827 Filed 4-2-92; 8:45 am]

BILLING CODE 6820-DEM

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted on or before May 4, 1992.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., room 310, Washington, DC 20506 (202-786-0494) and Mr. Daniel Chenok, Office of Management and Budget, New Executive Office Building, 728 Jackson Place, NW., room 3002, Washington, DC 20503 (202-395-7318).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., room 310, Washington, DC 20506 (202) 786-0494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, extensions, or reinstatements. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) the frequency of response; (8) an estimate of the total number of hours needed to fill out the form; (9) an estimate of the total annual reporting and recordkeeping burden. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions

Title: Public Programs: Humanities Projects in Media/Guidelines and Application Instructions.

Form Number: Not applicable.

Frequency of Collection: Twice a year at each deadline.

Respondents: Public radio and television stations, private, non-profit organizations, colleges and universities, or branches of state or local governments.

Use: Application for funding.

Estimated Number of Respondents:

221.

Frequency of Response: Twice a year at deadline.

Estimated Hours for Respondents to Provide Information: 50 per respondent.

Estimated Total Annual Reporting and Recordkeeping Burden: 11,050 hours.

Thomas S. Kingston,
Assistant Chairman for Operations.

[FR Doc. 92-7708 Filed 4-2-92; 8:45 am]

BILLING CODE 7536-01-M

National Endowment for the Arts Meeting; Music Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Jazz Fellowships Prescreening Section) to the National Council on the Arts will be held on April 22-23, 1992 from 9 a.m.-5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: March 31, 1992.

Yvonne M. Sabine,
Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 92-7739 Filed 4-2-92; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL LABOR RELATIONS BOARD

Privacy Act of 1974; Publication of a New System of Records Notice

AGENCY: National Labor Relations Board.

ACTION: Notification of establishment of a system of records for the investigative files of the Office Inspector General.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, the National Labor Relations Board ("NLRB") publishes this notice of its intention to establish a previously unpublished system of records to be entitled "NLRB-18, Office of Inspector General Investigative Files." The Office of Inspector General for the NLRB was created in November 1989 and has

statutory authority to conduct investigations and audits relating to programs and operations of the NLRB. A complete listing of the Agency's 16 notices of systems of records was last published in 53 FR 17262 on May 16, 1988; In addition, Privacy Act System of Records Notice NLRB-17 was published in 55 FR 29918 on July 23, 1990.

We have asked OMB for a waiver of the 60-day advance notice requirement. If it is granted, the notice shall be effective upon the expiration of the 30-day notice and comment period for routine uses and exemptions. All persons are advised that in the absence of submitted comments, views, or arguments considered by the NLRB as warranting modification of the notice as herewith to be published, it is the intention of the NLRB that the notice as herewith published shall be effective upon expiration of the comment period without further action by this Agency.

DATES: Written comments, views, or arguments must be submitted no later than May 4, 1992.

ADDRESSES: All persons who desire to submit written comments, views, or arguments for consideration by the NLRB in connection with the proposed new system of records shall file the same with the Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue, NW., Washington, DC 20570-0001.

Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary, room 701, 1717 Pennsylvania Avenue, NW., Washington, DC 20570-0001.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, National Labor Relations Board, room 701, 1717 Pennsylvania Avenue, NW., Washington, DC 20570-0001.

SUPPLEMENTARY INFORMATION: In accordance with the Inspector General Act Amendments of 1988 (Pub. L. 100-504, amending Pub. L. 95-452; 5 U.S.C. app. at 1184 (1988)), the NLRB established an Office of Inspector General in November 1989. The Office of Inspector General conducts investigations and audits to prevent and detect waste, fraud, and abuse in the programs and operations of the NLRB. The Office of Inspector General assists in the prosecution of participants in such fraud or abuse and reports to the Attorney General whenever the Inspector General has grounds to believe there has been a violation of Federal criminal law. The Office of Inspector General also keeps Congress, the Chairman of the Board, and the

General Counsel informed about problems and deficiencies in the Board's programs and operations.

The NLRB proposes to establish a new system of records pursuant to the Privacy Act, entitled "NLRB-18, Office of Inspector General Investigative Files." This system of records will be maintained solely by the Office of Inspector General and will remain separate from other NLRB records. This system will consist of files and records compiled by the Office of Inspector General on NLRB employees or others who have been part of an investigation for fraud and abuse with respect to the NLRB's programs or operations. The proposed system of records will enable the Office of Inspector General to carry out its mandate under the Inspector General Act Amendments of 1988.

The National Labor Relations Board proposes to exempt certain files within this system of records from disclosures to individuals who are the subject of a record in the system. The exemptions would cover files compiled for the following purposes: (1) Investigatory material compiled for law enforcement purposes; (ii) information compiled in a criminal investigation, including reports of informants, auditors, and investigators, that is associated with an identifiable individual; (iii) information identifying criminal offenders and alleged offenders; and (iv) reports of enforcement of the criminal laws. Those exemptions are the subject of a companion notice of proposed rulemaking that appears elsewhere in today's issue of the *Federal Register*. A report of the proposal to establish this system of records was filed pursuant to 5 U.S.C. 552a(r) with Congress and the Office of Management and Budget.

Accordingly, the NLRB proposes to establish the following system of records for its Office of Inspector General:

NLRB-18

SYSTEM NAME:

Office of Inspector General Investigative Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Inspector General, National Labor Relations Board, 1717 Pennsylvania Avenue, NW., Washington, DC 20570-0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subject individuals include, but are not limited to, current and former employees; contractors, subcontractors,

their agents, or employees; and others whose actions affect the NLRB, its programs, and operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

All correspondence relevant to the investigation; all internal staff memoranda; copies of all subpoenas issued during the investigation; affidavits, statements from witnesses, and transcripts of testimony taken in the investigation and accompanying exhibits; documents and records or copies obtained during the investigation; working papers of the staff; other documents and records relating to the investigations, and records relating to "Hotline" complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95-452, as amended, 5 U.S.C. app. at 1184 (1988); 5 U.S.C. 552a.

PURPOSE:

These records are used by the Inspector General's Office in the investigation of programs and operations of the National Labor Relations Board pursuant to the Inspector General Act Amendments of 1988, 5 U.S.C. app. at 1184 (1988).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records and information in these records may be disclosed to:

(1) Other agencies, offices, establishments, and authorities, whether Federal, state, or local, authorized or charged with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record or information, by itself or in connection with other records or information, indicates a violation or potential violation of law, whether criminal, civil, administrative, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order pursuant thereto.

(2) Any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

(3) Independent auditors or other private firms with which the Office of Inspector General has contracted to carry out an independent audit or noncriminal investigation, or to analyze, collate, aggregate, or otherwise refine data collected in the system of records. These contractors will be required to

maintain Privacy Act safeguards with respect to such records.

(4) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings, when the NLRB determines it is relevant and necessary to the litigation.

(5) A court or other adjudicative body before which the NLRB is authorized to appear, when either (a) the NLRB, or any component thereof, (b) any employee of the NLRB in his or her official capacity, (c) any employee of the NLRB in his or her individual capacity, where the NLRB has agreed to represent the employee, or (d) the United States, where the NLRB determines that litigation is likely to affect the NLRB or any of its components, is a party to litigation or has interest in such litigation, and the NLRB determines that disclosure of the records to a court or other adjudicative body is compatible with the purpose for which the records were collected.

(6) The Department of Justice for use in litigation when either (a) the NLRB, or any component thereof, (b) any employee of the NLRB in his or her official capacity, (c) any employee of the NLRB in his or her individual capacity, where the Department of Justice has agreed to represent the employee, or (d) the United States, where the NLRB determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the NLRB to be relevant and necessary to the litigation, provided that in each case the NLRB determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(7) A Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of an individual about whom the record is maintained. In such cases, the Member has no greater right to access to the record than does the individual.

(8) The Department of Justice for the purpose of obtaining its advice in the event that the NLRB concludes it is desirable or necessary in determining whether particular records are required to be disclosed under the Freedom of Information Act.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12), to consumer reporting agencies as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1986, 31 U.S.C. 3701(a)(3), in accordance with 3711(f) of title 31.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Office of Inspector General Investigative Files consist of paper records maintained in files, records on computer disks and diskettes, and records on computer tapes.

RETRIEVABILITY:

The records are retrievable by case number and individual name.

SAFEGUARDS:

These records are only available to those persons whose official duties require such access. The records are kept in a limited access area during on duty hours. During off-duty hours they are kept inside locked offices, in locked file cabinets, or in safes. Computer records can be accessed only through use of confidential procedures and passwords.

RETENTION AND DISPOSAL:

As prescribed in General Records Schedules 22, Item 1b, OIG Investigative Files are destroyed 10 years after a case is closed. Cases that are unusually significant for documenting major violations of criminal law or ethical standards are offered to the National Archives for permanent retention.

SYSTEM MANAGER AND ADDRESS:

Inspector General, Office of Inspector General, National Labor Relations Board, 1717 Pennsylvania Avenue, NW, Washington, DC 20570-0001.

NOTIFICATION PROCEDURE:

The OIG Investigative Files are exempt pursuant to 5 U.S.C. 552a(j)(2) and (k)(2); however, consideration will be given to requests addressed to the system manager. The request should include the individual's name and date of birth.

RECORD ACCESS PROCEDURE:

See "Notification Procedures" above. Requestors should specify the record contents being sought. Under Section 7(b) of the Inspector General Act of 1978 (Public Law 95-452), the identity of an employee or other personal source who makes a complaint or provides

information to the Office of the Inspector General (OIG) via the OIG "Hotline" is exempt from disclosure unless the Inspector General determines such disclosure is unavoidable during the course of an investigation.

CONTESTING RECORD PROCEDURES:

Contact the system manager at the above address, and identify the record, specify the information to be contested, and the corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

The Office of Inspector General collects information from a wide variety of sources, including information from the NLRB and other Federal, state, and local agencies, witnesses, complainants and other nongovernmental sources.

SYSTEMS EXEMPTIONS FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

Pursuant to 5 U.S.C. 552a(j)(2), this system of records, to the extent it consists of investigatory material compiled for criminal law enforcement purposes, is exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i).

Pursuant to 5 U.S.C. 552a(k)(2), this system of records, to the extent it consists of investigatory material compiled for law enforcement purposes other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2), is exempted from the following provisions of the Privacy Act of 1974, 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f).

These exemptions are contained in 29 CFR part 102.

Dated, Washington, DC, March 27, 1992.

By Direction of the Board,
National Labor Relations Board.

John C. Truesdale.

Executive Secretary.

[FR Doc. 92-7590 Filed 4-2-92; 8:45 am]

BILLING CODE 7545-01

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Networking and Communications Research and Infrastructure; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice

and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are exempt under 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Name: Special Emphasis Panel in Networking and Communications Research and Infrastructure.

Dates: April 30-May 1, 1992.

Times: 8:30 am-6pm—4/30; 8:30 am-3:30 pm—5/1.

Place: Rm. 417 & 306, National Science Foundation, 1800 G St, NW, Washington, DC 20550.

Type of Meeting: Closed.

Agenda: Review and evaluate proposals for Research Initiation Awards.

Contact: Dr. Aubrey Bush, NCRI Program Director, National Science Foundation, room 416, Washington, DC 20550 (202 357-9717).

Dated: March 31, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-7692 Filed 4-2-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Networking and Communications Research and Infrastructure; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Networking and Communications Research and Infrastructure.

Date and Time: April 21 and 22, 1992, 9 a.m.-5 p.m., April 21; 8:30 a.m.-2 p.m., April 22.

Place: The St. James Hotel, The St. James Room 950 24th St., NW., Washington, DC 20037.

Type of Meeting: Open.

Contact Person: Ms. Brenda Williams, Senior Program Assistant, National Science Foundation, 1800 G Street, NW., room 416, Washington, DC 20550, (202) 357-9717.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to the Division of Networking and Communications Research and Infrastructure.

Agenda: Discussion on issues and opportunities for the Division of Networking and Communications Research and Infrastructure; discussion of the NSFNET Backbone, Gigabit Research and NREN.

Dated: March 31, 1992.

M. Rebecca Winkler,
Committee Management, Officer.

[FR Doc. 92-7691 Filed 4-2-92; 8:45 am]
BILLING CODE 7555-01-M

UNITED STATES NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6 issued to Entergy Operations, Inc. (the licensee) for operation of Arkansas Nuclear One, Unit 2 (ANO-2) located in Pope County, Arkansas.

The proposed amendment would revise the Surveillance Requirements for ANO-2 steam generator (SG) tubing, Technical Specification (TS) 4.4.5. This revision would allow the installation of tube sleeves as an alternative to plugging defective SG tubes.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to permit the use of SG tubing sleeves as an alternative to tube plugging is a safe and effective repair procedure that does not require removing a tube from service.

Mechanical strength, corrosion resistance, installation methods, and inservice inspection techniques of sleeves have been shown to meet NRC acceptance criteria.

Analytical verification will be performed using design and operating transient parameters selected to envelop loads imposed during normal operating, upset and accident conditions. Fatigue and stress analysis of sleeved tube assemblies will be completed in accordance with the requirements of the ASME Boiler and Pressure Vessel Code, section III. The results of the qualification testing, analyses and plant operating experience will demonstrate that the sleeving process is an acceptable means of maintaining SG tube integrity. Furthermore, the sleeve assemblies can be monitored through periodic inspections with eddy current test techniques.

The TSs continue to require isolation of a tube or sleeve containing a detected 40% reduction in the primary to secondary system pressure boundary.

The consequences of accidents previously analyzed are not increased as a result of sleeving activities. In the case of a tube rupture, the sleeve may actually result in a slightly reduced leak/flow rate through the broken tube due to the smaller effective flow area. The minor reduction in flow area associated with a tube sleeve has no significant effect on SG performance with respect to heat transfer or system flow resistance and pressure drop. In any case, all analytical impacts are clearly bounded by evaluations which demonstrate the acceptability of tube plugging which totally removes the tube from service. Therefore, in comparison to plugging, tube sleeving is considered a significant improvement with respect to steam generator performance. The cumulative impact of multiple sleeved tubes is evaluated to ensure the effects remain within the analytical design bases (both normal and accident).

Therefore, based on the above, this change does not significantly increase the probability or consequences of an accident previously evaluated.

(2) The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

A sleeved tube performs the same function, in the same passive manner, as an unsleeved tube. Tube sleeves are designed, qualified, and maintained under the stress and pressure limits of ASME section III and Regulatory Guide 1.121. Eddy current testing is performed following installation of each sleeve. This is done to verify proper installation

of the sleeve and to obtain a baseline eddy current reading for each sleeve in order to monitor for subsequent degradation of the primary to secondary pressure boundary.

Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

(3) The proposed change does not involve a significant reduction in the margin of safety.

SG tube integrity is maintained under the same limits for sleeved tubes as for unsleeved tubes; i.e., ASME Section III and Regulatory Guide 1.121. The degradation limit at which a tube is considered inoperable remains unchanged and is detectable for sleeves as well as tubes. The TSs continue to require monitoring and restriction of primary to secondary system leakage through the SGs, such that there remains reasonable assurance that a significant increase in leakage, due to failure of a sleeved (or unsleeved) tube, will be detected. The slight reduction in RCS flow, due to sleeving, is considered to have an insignificant impact on SG operation during normal operation and accident conditions and is clearly bounded by tube plugging evaluations. The TSs will continue to contain reporting requirements for tubes which have had their degradation spanned (regardless whether the tube is plugged or sleeved).

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this *Federal Register* notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland,

from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 4, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the local public document room located at Tomlinson Library, Arkansas Tech University, Russellville, Arkansas, 72801. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in

the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the basis of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period.

However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docking and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to

John T. Larkins: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of the **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Winston & Strawn, 1400 L Street NW., Washington, DC 20005-3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 30, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Tomlinson Library, Arkansas Tech University, Russellville, Arkansas, 72801.

Dated at Rockville, Maryland, this 31st day of March 1992.

For the Nuclear Regulatory Commission.

Sheri R. Peterson,

*Project Manager, Project Directorate IV-I,
Division of Reactor Projects III/IV/V, Office
of Nuclear Reactor Regulations.*

[FR Doc. 92-7825 Filed 4-2-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

On March 20, 1992, the President transmitted 67 Special Messages proposing the rescission of FY 1992 appropriations. The Special Messages transmitted to the House and Senate contained a Presidential transmittal memorandum, proposed changes in appropriations language, and other technical information. For additional information on these Special Messages, contact: OMB: Budget Review and Concept Division, Room 6202, New Executive Office Building, Washington, DC 20503, (202) 395-4632.

The reasons for these rescission proposals are that the projects: (1) Are proposed for termination in FY 1993; (2) have not yet had FY 1992 funds obligated; (3) have not been accelerated for purposes of job creation in 1992; and (4) are not known to have other redeeming merit sufficient to override a presumption in favor of proposing a rescission.

The projects proposed for rescission are as follows:

Rescission Number	Projects Proposed for Rescission	Budgetary resources proposed for rescission (in millions of dollars)
Department of Agriculture:		
R92-35	Animal and Plant Health Inspection Service: Cattail management in North Dakota (OMB identification code 12-1600-0-1-352)	0.1
R92-36	Cooperative State Research Service: Buildings and facilities: Animal care facility (OMB identification code 12-1501-0-1-352)	0.3
R92-37	Building consolidation (OMB identification code 12-1501-0-1-352)	0.5
R92-38	Facility road (OMB identification code 12-1501-0-1-352)	0.5
R92-39	Food marketing center (OMB identification code 12-1501-0-1-352)	2.7
R92-40	Food processing plant (OMB identification code 12-1501-0-1-352)	0.4
R92-41	Poultry center (OMB identification code 12-1501-0-1-352)	3.1
R92-42	Vidalia onion storage (OMB identification code 12-1501-0-1-352)	0.2
R92-43	Special research grants: Alternative to Dinoseb (OMB identification code 12-1500-0-1-352)	0.2
R92-44	Appalachian hardwoods (OMB identification code 12-1500-0-1-352)	0.8
R92-45	Asparagus yield decline (OMB identification code 12-1500-0-1-352)	0.1
R92-46	Celery fusarium (OMB identification code 12-1500-0-1-352)	*
R92-47	Cool season legume research (OMB identification code 12-1500-0-1-352)	0.4
R92-48	Eastern filbert blight research (OMB identification code 12-1500-0-1-352)	0.1
R92-49	Integrated orchard management (OMB identification code 12-1500-0-1-352)	*
R92-50	Leafy spurge biocontrol (OMB identification code 12-1500-0-1-352)	0.1
R92-51	Lowbush blueberry research (OMB identification code 12-1500-0-1-352)	0.2

Rescission Number	Projects Proposed for Rescission	Budgetary resources proposed for rescission (in millions of dollars)
R92-52	Manure disposal (OMB identification code 12-1500-0-1-352)	0.1
R92-53	Mechanical tomato harvester (OMB identification code 12-1500-0-1-352)	0.1
R92-54	Mesquite and prickley pear (OMB identification code 12-1500-0-1-352)	0.1
R92-55	Mink feeding and reproduction research (OMB identification code 12-1500-0-1-352)	*
R92-56	Oil from jojoba (OMB identification code 12-1500-0-1-352)	0.2
R92-57	Safflower research (OMB identification code 12-1500-0-1-352)	0.2
R92-58	Seedless table grapes (OMB identification code 12-1500-0-1-352)	0.1
R92-59	Small fruit research in Oregon (OMB identification code 12-1500-0-1-352)	0.2
R92-60	Swine research in Minnesota (OMB identification code 12-1500-0-1-352)	0.1
R92-61	Urban pest research in Georgia (OMB identification code 12-1500-0-1-352)	0.1
	Extension Service:	
	Special grants:	
R92-62	American Pacific agriculture (OMB identification code 12-0502-0-1-352)	0.6
R92-63	Cow/calf management (OMB identification code 12-0502-0-1-352)	0.2
R92-64	National Agricultural Library:	
	Leflar School of Law (OMB identification code 12-0300-0-1-352)	0.5
	Department of Housing and Urban Development:	
R92-65	Housing Programs: Annual contributions for assisted housing:	
	Public housing new construction (OMB identification code 86-0164-0-1-604)	547.7
R92-66	Special project grants:	
R92-67	Alliance of Residence Theaters, New York, New York (OMB identification code 86-0164-0-1-604)	1.5
	Atlantic Economic Development Corporation for the Sweet Auburn Curb Market (OMB identification code 86-0164-0-1-604)	
R92-68	Economic development in Davenport, Iowa (OMB identification code 86-0164-0-1-604)	1.0
R92-69	Government center, Warren, Rhode Island (OMB identification code 86-0164-0-1-604)	2.0
R92-70	Improvements to the West Side Community Center, Asbury Park, New Jersey (OMB identification code 86-0164-0-1-604)	0.2
R92-71	Infrastructure development of the Hawaiian homelands (OMB identification code 86-0164-0-1-604)	0.1
R92-72	Infrastructure improvements for Clinton, Tennessee (OMB identification code 86-0164-0-1-604)	1.2
R92-73	Job retention for agricultural workers at Hawaiian sugar cane mills (OMB identification code 86-0164-0-1-604)	1.0
R92-74	Land acquisition, construction, public improvements, Bay City, Michigan (OMB identification code 86-0164-0-1-604)	1.3
R92-75	Miami Center for Contemporary Art, Miami, Florida (OMB identification code 86-0164-0-1-604)	3.9
R92-76	Municipal center in Bloomfield, New Mexico (OMB identification code 86-0164-0-1-604)	2.5
R92-77	North Dakota Business Alliance (OMB identification code 86-0164-0-1-604)	1.5
R92-78	Oxbow project, Castlewood and St. Paul, Virginia (OMB identification code 86-0164-0-1-604)	0.5
R92-79	Parking garage, Ashland, Kentucky (OMB identification code 86-0164-0-1-604)	1.0
R92-80	Performing Arts Center, North Miami Beach, Florida (OMB identification code 86-0164-0-1-604)	1.0
R92-81	Recreational facilities, Biscayne Park, Florida (OMB identification code 86-0164-0-1-604)	0.5
R92-82	Recreational facilities, Myersdale, Pennsylvania (OMB identification code 86-0164-0-1-604)	0.1
R92-83	Recreational facilities in three Pennsylvania communities (OMB identification code 86-0164-0-1-604)	0.1
R92-84	Refurbish Cresson Street trestle, Manayunk, Pennsylvania (OMB identification code 86-0164-0-1-604)	1.5
R92-85	Rehabilitate Pease Auditorium, Ypsilanti, Michigan (OMB identification code 86-0164-0-1-604)	0.7
R92-86	Water supply system for the City of Crawford, Nebraska (OMB identification code 86-0164-0-1-604)	1.0
	Policy Development and Research:	
	Research and technology:	
R92-87	State of Hawaii Real Estate Commission (OMB identification code 86-0108-0-1-451)	0.8
	Department of the Interior:	
	Bureau of Indian Affairs:	
	Construction:	
R92-88	Indian reservation road sealing (OMB identification code 14-2301-0-1-452)	8.6
	National Park Service:	
	Construction:	
R92-89	Reconstruct buildings and water amenities in Perth Amboy, Trenton, and Paterson, New Jersey (OMB identification code 14-1039-0-1-303)	7.7
	Operation of the National Park System:	
R92-90	Hawaiian arts and crafts (OMB identification code 14-1036-0-1-303)	2.0
	Corps of Engineers:	
	Construction, general:	
R92-91	Red River Basin chloride control, Texas and Oklahoma (OMB identification code 96-3122-0-1-301)	3.0
	Operation and maintenance, general:	
R92-92	Missouri River Structural Erosion Control Measures (OMB identification code 96-3123-0-1-300)	1.4
	Environmental Protection Agency:	

Rescission Number	Projects Proposed for Rescission	Budgetary resources proposed for rescission (in millions of dollars)
R92-93	Abatement, control, and compliance:	1.3
R92-94	American Water Works Association Research Foundation (OMB identification code 68-0108-0-1-304)..... Environmental education by satellite, Nebraska Department of Education (OMB identification code 68-0108-0-1-304).	0.4
R92-95	National Wood Energy Association (OMB identification code 68-0108-0-1-304)	0.1
R92-96	Non-competitively selected water projects: University of Kansas, University of Nebraska, Iowa State University (OMB identification code 68-0108-0-1-304).....	1.5
R92-97	Buildings and facilities:	
R92-98	Research and training facility, Bay City, Michigan (OMB identification code 68-0110-0-1-304)	20.0
R92-99	Research and development:	
R92-100	Local wetlands research, University of Nebraska (OMB identification code 68-0107-0-1-304).....	0.1
R92-101	National Aeronautics and Space Administration:	
R92-102	Construction of facilities:	
R92-103	Consortium for International Earth Science Network (CIESIN) (OMB identification code 26-0107-0-1-999).	3.4
R92-104	Research and development:	
R92-105	Delta College Learning Center (OMB identification code 26-0108-0-1-999)	0.8
R92-106	Department of Defense:	
R92-107	Procurement:	
R92-108	SSN-21 submarines:	
R92-109	Shipbuilding and conversion, Navy (OMB identification code 17-1611-0-1-051)	2,765.9
R92-110	Other procurement, Navy (OMB identification code 17-1810-0-1-051)	189.4

* \$50 thousand or less.

James C. Murr,
Associate Director for Legislative Reference
and Administration.

[FR Doc. 92-7453 Filed 4-2-92; 8:45 am]

BILLING CODE 3110-01-F

Office of Federal Procurement Policy

Procurement Professionalism Program Policy—Training for Contracting Personnel

AGENCY: Office of Federal Procurement Policy (OFPP), OMB.

ACTION: Solicitation of public comment on a draft OFPP Policy Letter to establish a Government-wide program of skill-based training for contracting personnel.

SUMMARY: Section 6(a) of the Office of Federal Procurement Policy (OFPP) Act, as amended, 41 U.S.C. 405(d)(5), requires the Administrator, OFPP to foster and promote Government-wide career management programs for a professional procurement workforce through the Federal Acquisition Institute (FAI).

The Federal Government obligates almost \$200 billion under contracts each year. The quality of contracting actions depends largely on the professional skills of the Government procurement workforce to help meet agency mission needs. Improved management will help ensure Government interests are

effectively represented within a changing legislative and regulatory environment.

The Policy Letter requires Heads of Executive Departments and Agencies to ensure that the procurement career management program required under section 16 of the OFPP Act (41 U.S.C. 414(4)) provides needed training for contracting personnel. Opportunities for improvement and efficiencies are possible due to an enhanced FAI to assist agency actions.

COMMENT DATE: Comments must be received on or before May 4, 1992.

ADDRESS AND INFORMATION CONTACT: Comments should be sent to Wayne A. Wittig, Deputy Associate Administrator, OFPP, Room 9013, 725 17th Street, NW, Washington, DC 20503. Information or questions may be addressed to Mr. Wittig on (202) 395-6803.

Allan V. Burman,
Administrator.

Policy Letter No. 92-ZZ; To The Heads of Executive Departments and Establishments

Subject: Procurement Professionalism Program Policy—Training for Contracting Personnel.

1. **Purpose.** To establish a Government-wide program of skill-based training for contracting personnel.

2. **Authority.** This Policy Letter is issued pursuant to section 6(a) of the Office of Federal Procurement Policy (OFPP) Act, as amended, 41 U.S.C. 405(d)(5).

3. **Background.** The quality of contracting actions depends largely on the professional skills of the Government procurement workforce to help meet agency mission needs. Improved management will help ensure Government interests are effectively represented within a changing legislative and regulatory environment.

In July, 1990, this Office established an inter-agency group to develop a detailed Procurement Professionalism Plan for agencies to identify a comprehensive program of workforce improvement. Four subgroups devised recommended actions on the recruitment, training, retention and the evaluation of performance of the procurement workforce. The Defense Acquisition Enhancement (ACE) Program Office led the training subgroup, which identified several opportunities for improvement and efficiencies when coupled with an enhanced Federal Acquisition Institute (FAI). The recommendations of the training subgroup have helped develop this policy and guidance.

4. **Policy.** Heads of Executive Departments and Agencies shall ensure that the procurement career management program required under section 16 of the OFPP Act (41 U.S.C. 414(4)):

a. Provides for all contracting personnel, (that is, personnel in the contracting occupational series—1102—and all individuals with contracting officer authority above the dollar threshold for small purchases), to demonstrate competence to perform the core "Contract Management" duties represented by the Units of Instruction in the FAI "Contract Specialist Workbook;"

b. Provides for all purchasing personnel, (that is, personnel in the purchasing

occupational series—1105—and all individuals with contracting authority at or under the small purchase threshold), to demonstrate competence to perform duties related to making small purchases under FAR part 13;

c. Establishes training requirements for (1) contracting personnel to complete course work and related on-the-job training in critical acquisition-related duties and tasks described in the FAI "Contract Specialist Workbook," along with any additional duties and tasks that are critical to the missions of the agency, and (2) for purchasing personnel;

d. Provides for a system for documenting and reporting the completion of all required courses and on-the-job training;

e. Encourages contracting personnel to undertake self-development activities to stay current with the acquisition knowledge based and affords opportunities for professional growth and development throughout their careers; and,

f. Establishes an individual or group to (1) ensure the efficient and effective use of Government procurement education and training facilities; (2) eliminate unnecessary duplication of these facilities; (3) promote on-the-job training and other methods to inculcate necessary competencies in the most cost-effective manner; and, (4) ensure excellence in instruction and the employee's ability to perform assigned tasks.

5. *Implementation.* In 1983, Task Group Six for Federal Procurement Reform issued recommendations and guidance for establishing career development programs (Attachment 1).

The Defense Acquisition University (DAU) has developed the ACE Curriculum Process Model (Attachment 2), for developing competency-based training and education programs. More details on this model are available from the DAU staff.

The FAI has analyzed the procurement process and identified the various skills and attributes that a fully-functioning procurement professional requires in their "Contract Specialist Workbook." On the basis of this skills inventory, FAI is developing competency-based instructional materials to support comprehensive training in formal classroom settings as well as at the work site and through on-the-job-training. These are available for adaptation to agency-specific programs.

FAI training courses now available or under development include "Introduction to Contracting," "Procurement Planning," "Sealed Bidding," "Negotiation Process," "Price Analysis," "Cost Analysis," "Advanced Cost or Price Analysis," "Basic Contract Administration," "Construction Contracting," "Contracting for Federal Information Processing Resources," and "Source Selection." These courses will be offered by the General Services Administration Interagency Training Center.

All instructional materials for these courses are available to Federal procurement trainers in both hard copy and electronic forms for adaptation and use in the curricula of other Federal training facilities.

The Director of FAI shall further assist agency training programs through the following actions:

Provide copies of the "Contract Specialist Workbook."

Recommend minimum Government-wide training and education requirements and goals to the Administrator, OFPP.

Coordinate the development of instructional materials in acquisition fields and advise on the effectiveness of Federal training programs in developing competence to perform acquisition-related duties and tasks.

Establish interagency programs to assist agencies and avoid unnecessary duplication in the implementation of the procurement career management programs required.

Assist in the development of, and evaluate the effectiveness to the Government of, academic programs in acquisition fields by colleges and universities.

6. *Reporting Requirements.* Within 90 days of the effective date of this Policy Letter, the Senior Procurement Executive of each agency is to advise the Administrator, OFPP, of the elements of the agency's procurement career management program required under 41 U.S.C. 414(4) in terms of: (1) Methods used to develop and demonstrate skills and competencies of contracting and purchasing personnel; (2) a description of the agency's system for documenting and reporting the completion of training requirements; and (3) a description of actions taken or planned to assess the extent to which these training courses now provide or will provide skill training in the Units of Instruction of the FAI Contract Specialist Workbook. Periodic reports on the procurement career management program may be requested by the Administrator thereafter.

7. *Federal Acquisition Regulation (FAR) Councils.* The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council shall conduct a thorough review of the relevant parts of the FAR to (1) assure that no unintended encumbrances to this Policy Letter are contained therein, and (2) that the policies established by this Policy Letter are reflected in the FAR within 210 days of the effective date of this Policy Letter.

8. *Effective Date.* This Policy Letter is effective 30 days after the date of issuance.

9. *Information.* Questions or inquiries about this Policy Letter should be directed to Mr. Wayne Wittig, Deputy Associate Administrator, OFPP, 725 17th Street, NW, Washington, DC 20503, telephone (202) 395-6803.

Allan V. Burman,
Administrator.

Procurement Career Development Programs; Description

a. Objective and Scope

The Federal government spends nearly \$200 billion annually through the procurement process. The quality, efficiency, and effectiveness of this expenditure greatly depends on the professional skills and proficiencies possessed by the government procurement work force. Procurement career development plans and programs ensure that the procurement work force will possess the requisite skills and knowledge to effectively and efficiently deal with the complexities of the procurement processes, including

changing legislative and regulatory requirements, agency mission needs, business and market practices, and technological advances in the goods and services being procured.

Procurement Career Development

Programs are designed to attract, develop, and retain high quality personnel required to meet the current and future staffing requirements in the agency's procurement organization; encourage employees who desire a procurement career to develop their capabilities; and stimulate employees to engage in self-development activities. The main thrust in the program is the attainment of knowledge, skills, and abilities through a combination of on-the-job training and formal course work.

b. Relation to the Training Law

The heads of executive agencies are responsible for conducting training within their agencies in accordance with Title 5 U.S.C. 4101 *et. seq.* and for planning, programming, budgeting, operating, and evaluating training programs in accordance with Executive Order 11348. The Office of Personnel Management is authorized under the training law (5 U.S.C. 4117) to coordinate agency training programs and under Executive Order 11348 to coordinate interagency training.

Recommendations for Procurement Executives

a. Forecast training requirements.

b. Develop and issue an agency-wide career development plan for providing the required training, both on-the-job and through classroom instruction.

c. Identify and acquire sufficient resources to fully fund procurement training requirements. Appropriations for procurement training programs ought to include funds for trainee travel to and from the training sites, as the Air Force and Army now do.

d. Consider including performance objectives related to the career development of procurement personnel as an element in the annual appraisal of procurement supervisors/managers.

e. Monitor trends in training and ensure that all needed training is provided.

Guidance for Procurement Executives

a. Benefits of Career Development Programs

A procurement career development program can be designed to provide procurement personnel with the opportunity to facilitate the full development and utilization of their abilities, skills, and knowledge. Most individuals who have progressed to the senior levels of the procurement and contracting field have done so without planned or organized assistance. A procurement career development program provides a mechanism for the systematic approach to increasing motivation, productivity, and professionalism. It enhances an agency's capabilities in the procurement function by providing appropriate training opportunities for individual procurement personnel.

The program establishes an agency-wide framework for the management of career development activity within the procurement field. The Procurement Executive will be responsible for the overall management of any agency procurement career development program. The program may be managed at the headquarters level with field representation. It may also provide the flexibility for each agency field organization to implement the program in a manner that will allow the field organization to accomplish its mission requirements more efficiently and conform to its own organizational structure. Active participation by procurement personnel in such a program may be on a voluntary basis, although mandatory core training requirements may be established.

b. Steps in Implementing Career Development Programs

Implementation of a procurement career development program could involve the following steps:

(1) Analysis of Training Requirements

Training is not an end in and of itself. Training's purpose and success can ultimately be defined in terms of the employee's ability to perform assigned tasks.

Hence, task analysis is the starting point for any analysis of training requirements. This is not only a matter of good training practice. It is also a matter of compliance with Office of Personnel Management policies, to the extent that training influences employment decisions.

Task analysis for training includes the following steps:

- Inventory tasks performed at the journeyman level of each major procurement specialization in the agency.

- Determine the relative priority of each task for training investments, based on an analysis of the task's learning difficulty, percent performing, importance to mission accomplishment, and relative staffhours spent performing it.

- Identify the skill and knowledge requirements of tasks that have a high priority for training investments.

- Develop standards for training employees to perform the tasks, including—as the training's objective—the degree of proficiency with which the employee ought to be able to perform the task at the training's end.

- Identify or develop sources of training in the tasks.

- Work with trainers to revise or develop lesson plans and learning materials (for both classroom and on-the-job program), in terms of meeting the standards for training employees to perform the tasks.

- Evaluate training, in terms of the learning objectives and other conditions spelled out in the standards for training the tasks.

To the extent that procurement tasks are commonly performed throughout the Government, agencies may pool their resources and conduct joint analyses of those tasks.

After completion of the task analysis, training requirements can be identified through the following process:

- Survey the existing work force to identify current amount of training needed in each task.

- Forecast entry level accessions and the amount of training the newly hired employees will need at each major stage in their progression to the journeyman level(s) of their target specializations.

(2) Issuance of an Agency Career Development Master Plan

This plan, as the agency's overall guidelines for the career development program, generally will define the program in terms of applicability, objectives, and responsibilities; identify procurement career paths; establish the basic components of the program; and provide a baseline for the development of individualized career plans. (Note: agencies may prefer a different title for the overall agency guidelines.) As a minimum, such plans generally define core training required of all employees at the entry level, at the mid-level, and at the senior level. This includes both formal training requirements (often defined by listing specific courses to be completed) and on-the-job training requirements (often defined by listing tasks in which the employee is required to obtain expertise).

In agencies where procurement work is divided among different specializations (e.g., cost/price, contract negotiation, and contract administration), master plans often establish separate core training requirements for each specialization.

Training can be mandated in one of two forms:

- (a) The head of an agency may issue a directive to employees and their supervisors compelling attendance at training. There would be no linkage to the merit promotion process per se; the training would not be a factor in the promotion process. Rather, refusal to attend training (without proper reason) would be tantamount to insubordination, on a par with refusal to perform assigned work or to report to an assigned duty station.

Procurement Executives, through procurement reporting channels and procurement management reviews, would be largely responsible for ensuring that the directive is faithfully executed. There are several constraints on the agency head's ability to issue and enforce such a directive. Sufficient funds would have to be provided for the training. Sufficient staff would have to be assigned to the procurement function so that workers could be spared for the training. Employees could not be compelled to attend training during non-duty hours, unless the agency has authority to pay premium pay for those hours in training. Enforcement of the directive may involve the formal adverse action procedure (5 CFR 752).

- (b) The head of the agency, in consultation with the personnel director, could issue the training requirements in the form of selective placement factors for a designated class of positions in the agency. The agency would have to substantiate and document a finding in accordance with Federal Personnel Manual requirements that such training is necessary for successful job performance. For example, employees could be required to complete the training to be considered

eligible for promotion to GS-9 positions in the series, in addition to meeting the minimum qualification requirements for that grade level prescribed by the Office of Personnel Management in Handbook X-118 (Qualification Standards for White Collar Occupations).

Selective placement factors would be applied by personnel staffing specialists as a routine part of the merit promotion process. Failure to complete the required training would block both competitive and non-competitive (career ladder) promotions.

There are also constraints on this form of mandating the training. The agency would have to comply with Office of Personnel Management policies on selective placement factors, which appear in Federal Personnel Manual chapter 335 and the Qualification Standards for the affected series. Management would also still be constrained to ensure that sufficient funds are available to train all employees and that employees are being released for the training. If management rationed the training for any reason, selection for the training may have to proceed under the competitive procedures of the agency's merit promotion plan.

Generally, mandatory training has taken the form of a requirement to complete specified courses. However, academic programs or on-the-job training may be equivalent to the required courses, in terms of imparting the needed skills and knowledge. If the training requirement is phrased in terms of completing a specified body of courses, the Procurement Executives ought to establish a procedure for granting equivalent to other forms of training which are as effective in imparting the needed skills and knowledge.

The Department of Defense, for instance, allows employees to take written equivalency examinations (i.e., job knowledge tests) for this purpose. It also has granted equivalency for the procurement courses of selected colleges and universities.

(3) Issuance of Agency Field Organization Guidelines Implementing the Master Plan

Such guidelines may contain supplementary training requirements for the unique mission requirements of that organization. These guidelines may be reviewed annually to ensure applicability and accuracy.

(4) The Most Critical Step

In this step, the supervisor would *conduct career assessment and counseling interviews with the employee*. Through this process, realistic information, instructions, and judgments will be communicated that will assist the employee in setting mission-related, realistic career goals and choosing appropriate training to meet these goals. As a result of this process, the supervisor and employee will develop an individual development plan which will specify action that will be taken within a prescribed period of time.

(5) Issuance of an Annual Agency Field Organization Development Plan which Represents the Culmination and Analysis of the Employees' Individual Development Plans

This plan would be forwarded to the agency for incorporation in the agency development plan which may be used to determine agency development needs.

(6) Annual Reporting by the Agency Field Organization on the Accomplishments of Career Development Goals and Objectives

This information can be analyzed, and submitted by the Procurement Executive to the agency head in the form of an annual report. An agency also may wish to evaluate the effectiveness of this program by including this area in a procurement management area.

c. Sources of Training

The amount of development required by participants in a procurement career development program and the training methods used to attain needed knowledge, skills, and abilities will vary based on the educational and job experiences of each participant. Available developmental methodologies which may be utilized in the implementation of procurement career development program include:

(1) Government Agency Training

There are twelve Federal government schools providing instructions in the area of procurement which are spread across four separate Federal agencies and organizations. The Department of Defense hosts nine of the twelve schools, and there is one each in the General Services Administration, the Department of Agriculture, and the Federal Aviation Administration. All of these schools have a broader mission involving the teaching of courses other than procurement.

Many of these Federal procurement schools are well operated and represent courses that are equal to or superior to those conducted by other institutions. However, there are problems with the government training systems. For example, most current procurement training courses were adopted, that is, they were selected from already developed instructional outlines. Few courses were planned to achieve a set of learning objectives based on a survey of knowledge and skills needed to fulfill procurement position requirements. Also, there is a reluctance on the part of the Federal government to fund the research and development or the advancement of procurement training courses despite the dynamics involved in the procurement field.

(2) Training Provided by Educational Institutions

Aside from formal academic programs, colleges, and universities can provide continuing adult education programs. Such programs can provide high quality educational opportunities for those who wish to acquire a good baseline of procurement knowledge. However, colleges and universities are slow to adapt to the rapid growth of the procurement process.

(3) Commercially Available Training

The rapid growth of and frequent changes found in the procurement process have created a fertile field for commercial institutions specializing in procurement training. They provide condensed training experiences covering subject matters which are in demand and filling voids in other procurement curricula. These institutions range from permanent facilities to instructors hired to teach specific subjects on a course-by-course basis. Such institutions play an important role in the overall framework of procurement training.

(4) Training Provided by Professional Organizations

Professional organizations provide a mechanism for propagating the latest in procurement information. Many professional organizations educate their membership through organized meetings, lectures, workshops and seminars.

(5) On-The-Job Training

The primary purpose of on-the-job training is to improve a person's ability to perform by instructing that person on specific tasks during work performance. The fact is that many procurement skills are developed through on-the-job training. People have learned by doing and by the trial-and-error method.

The content and conduct of procurement on-the-job training is usually dictated by the needs of the work place. Due to its direct relevance to the work environment, trainees can be highly motivated to learn. The creativity, inventiveness, and persistence of such individuals make on-the-job training an efficient training method. Since few government agencies have sufficient resources to fund all needed training, on-the-job training is a crucial ingredient in the development of an effective procurement career development program.

On the other hand, on-the-job training is often times a very slow process requiring dissemination from person to person. It is largely dependent on the ability of one person, who possesses the knowledge, to transfer that knowledge to others. To improve

on-the-job training, some agencies have developed lesson plans, tests, and accompanying instructional materials (e.g., audio/visual) for use at the job site by supervisors. Others have designated on-the-job training centers, with hand-picked "coaches" who are trained as OJT instructors.

(6) Self-Development Training

Procurement-related self-development training activities are usually performed by highly motivated individuals involved in the procurement process. Self-development training is available through the use of preprogrammed audio and/or video taped instructions, films, texts, articles, correspondence courses, manuals, and computerized instructions. This method allows the participants to set their own pace. It is an excellent method for supplementing one's knowledge in a given area.

d. Evaluation

Training involved in a procurement career development program should be designed to enhance the capabilities of procurement personnel through the attainment of knowledge, skills, and abilities. The adequacy and effectiveness of training must be determined. The Federal Acquisition Institute has begun work on the development of training standards for the procurement field. Once developed, such standards can be used in the development of new procurement training and the revision of existing courses.

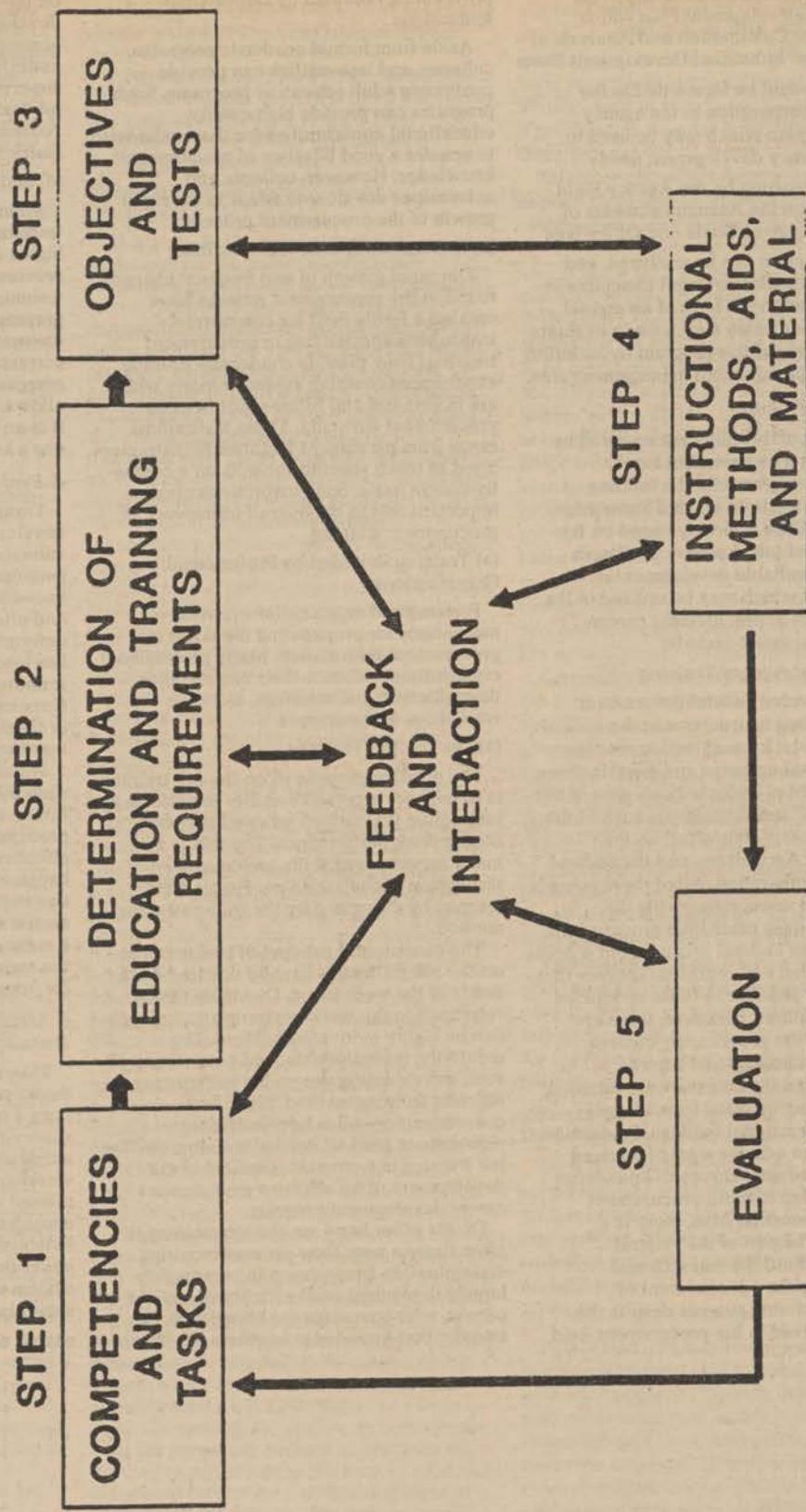
Procurement career development programs should be viewed as an investment in the future, as the payoff can be dramatic. If the procurement career development program is effective, participants in the program should become more involved, more alert to their environment, and more enterprising after such training. Therefore, the agency will have a more effective and efficient employee, and the employee will receive a greater potential for future growth.

e. Accountability for Meeting an Employee's Training Needs

Training aspects of procurement career development programs, in general, suffer from a reluctance on the part of some supervisors/managers to release their employees for training because of a heavy workload of an individual and a failure to reward or hold accountable supervisors/managers for employee development. Establishment of performance objectives under the current performance appraisal system would ensure the cooperation of supervisory and management personnel.

BILLING CODE 3110-01-M

ACE CURRICULUM PROCESS MODEL



Contracting for Motion Picture Productions and Videotape Productions

AGENCY: Office of Federal Procurement Policy (OFPP), OMB.

ACTION: Solicitation of public comment on a draft Policy Letter that provides uniform Government-wide policies and procedures for contracting for motion picture and videotape productions.

SUMMARY: OFPP Policy Letter 79-4, November 28, 1979, established a Government-wide system to correct contracting problems previously identified by various studies of the Government's audiovisual contracting practices. The Government-wide contracting system has corrected many problems, but it has not been incorporated in the Federal Acquisition Regulation (FAR), and has not been uniformly applied. This revised Policy Letter is intended to update the procurement policies contained in Policy Letter 79-4 and to provide for their inclusion in the FAR.

COMMENT DATES: Comments must be received on or before May 4, 1992.

ADDRESS AND INFORMATION CONTACT: Comments should be sent to Linda L. Mesaros, Office of Federal Procurement Policy, Office of Management and Budget, room 9013, 725 17th Street, NW, Washington, DC 20503. Information or questions may be addressed to Ms. Mesaros on (202) 395-3501.

Allan V. Burman,
Administrator.

Policy Letter No. 79-4, Revision No. 1; to the Heads of Executive Departments and Establishments

Subject: Contracting for Motion Picture Productions and Videotape Productions.

1. *Purpose.* This Policy Letter provides the uniform Government-wide policies and procedures for contracting for motion picture and videotape productions.

2. *Supersession Information.* The Policy Letter supersedes and replaces OFPP Policy Letter 79-4, "Contracting for Motion Picture Productions and Videotape Productions," dated November 28, 1979.

3. *Authority.* The Policy Letter is issued pursuant to section 6(a) of the Office of Federal Procurement Policy (OFPP) Act, as amended, 41 U.S.C. 405.

4. *Definitions.*

a. *Audiovisual Production* means a unified presentation, developed according to a plan or script, containing visual imagery, sound or both, and used to convey information.

b. *Executive Agent* refers to the Office for Defense Audiovisual Policy of the American Forces Information Service, Office of the Assistant Secretary of Defense (Public Affairs). This office serves as OFPP's Executive Agent responsible for administering and maintaining the Qualified

Video and Film Producers Lists established pursuant to the Policy Letter and for serving as the central information source about Federal audiovisual production contracting procedures. As the Executive Agent, this office is referred to as the Federal Audiovisual Contract Management Office (FACMO).

c. *Interagency Review Board (IARB)* refers to a committee consisting of representatives from various Federal agencies. The IARB is chaired by the Executive Agent and is used in an advisory capacity by the Executive Agent in the evaluation of sample productions submitted by producers.

d. *Motion Picture Production* refers to those productions in which the majority of the photographic and editorial work was accomplished in 8-mm, 16-mm, 35-mm, or 70-mm sound-on-film. It does not include videotape, sound slide, multimedia productions, or separate production support services.

e. *Production Support Services* refers to individual production functions such as scripting, photography, sound and video recording, processing, transfers, editing, and duplication when contracted for as separate services.

f. *Treatment* refers to a written summary of a producer's proposed creative approach or story line.

g. *Videotape Production* refers to productions in which the majority of the recording and editorial work was accomplished in magnetic videotape, videocassette, or videodisc. It does not include motion picture production, sound slide, or multimedia productions or separate production support services.

h. *Background.* OFPP Policy Letter 79-4, November 28, 1979, established a Government-wide system to correct contracting problems previously identified by various studies of the Government's audiovisual contracting practices. While the Government-wide contracting system established by Policy Letter 79-4 corrected many problems, it has not been incorporated in the Federal Acquisition Regulation (FAR), however, and has not been uniformly applied. Accordingly, this revision is intended to update the procurement policies contained in Policy Letter 79-4 and to provide for their inclusions in the FAR.

i. *Policy.* It is the policy of the Federal Government that executive agencies and departments shall use the uniform Government-wide system described in paragraph 7 below in contracting for motion picture and videotape productions. The uniform system is intended to:

a. Reduce waste and inefficiency in audiovisual contracting practices;

b. Ensure that the Government obtains quality motion picture and videotape productions at fair, competitive prices;

c. Provide a central point within the Government where producers can obtain information on motion picture and videotape contracting procedures; and

d. Increase competition for Government contracts.

7. *Uniform System.*

a. *Open Invitation.* Persons interested in competing for Government motion picture or

videotape production contracts shall contact the Executive Agent (Office of Defense Audiovisual Policy), room 328 601 North Fairfax Street, Alexandria, Virginia 22314-2007; telephone (703) 24-5875. The Executive Agent will provide each interested producer a standard application form, which shall be completed by the producer and returned to the Executive Agent.

b. *Submission of Work Sample.* Each application submitted to the Executive Agent must be accompanied by a sample motion picture or videotape production. Sample motion picture productions must be in the 16-mm optical sound format. Sample videotape productions must be on 3/4-inch, U-format or 1/2-inch, VHS videocassette. Sample productions must have been produced within the past 3 years, and a letter so stating from the client or sponsor of the sample production must be included in the application.

c. *Review of Work Samples.* Work samples submitted to the Executive Agent will be reviewed and evaluated by the IARB on a first-in, first-out basis. A minimum of three IARB members must participate in the evaluation of each work sample.

d. *Criteria for Evaluating Work Samples.* The IARB will evaluate sample productions on the basis of the following criteria:

(1) *Achievement of Purpose:* 0-15 Points
Did the Production accomplish its stated purpose?

Was it appropriate for the intended audience?

(2) *Creativity:* 0-15 Points

Did the production provide a fresh or innovative way of conveying the message?

Was the manner of presentation appropriate?

(3) *Continuity:* 0-10 Points

Did the subject develop in a logical or understandable manner?

(4) *Technical Factors:* 0-60 Points

Did the following elements, if included in the production, exhibit technical competence?

Direction

Writing

Photography/Camera Work

Editing

Artwork/Animation

Narration/Dialogue

Music and Sound

Special Effects

Quality of Visual Image

e. *Placement on Qualified Producers Lists*

(1) The IARB will recommend to the Executive Agent that all producers whose work samples receive a composite score of 70 or more be included on the Qualified Film Producers List (QFPL) or Qualified Videotape Producers List (QVPL). The Executive Agent will then review and verify all application information and, if valid, will assign a QFPL or QVPL number to those producers. This number will be cited by the producers in all responses to Government solicitations.

(2) In the case of a sample which receives a composite score of less than 70, the IARB will recommend that the producer not be placed on the QFPL or QVPL. The IARB will provide the rationale for their recommendations to the Executive Agent, and the Executive Agent

will explain the shortcomings of the work sample to the producer. A producer who has additional facts or data which might offset the IARB recommendations may present these to the Executive Agent for consideration. Also, any producer whose sample is scored at less than 70 will be afforded an immediate opportunity to reapply with a different sample.

(3) A producer will normally remain on the QFPL or QVPL until he or she requests removal. The Executive Agent will verify (annually) the name, address, QFPL/QVPL number, and business size of each producer on the lists. Producers not responding to this verification will be removed from the lists. If a producer performs unsatisfactory for an agency, the agency will take appropriate action under the contract and also submit documentation on the unsatisfactory performance to the Executive Agent. The Executive Agent may reevaluate the producer's capabilities and reconsider the producer's qualifications for the QFPL or QVPL.

(4) Firms placed on the QFPL or QVPL will not be classified by subject matter or geographic area unless they so request. Copies of the qualified lists will be distributed by the Executive Agent to all using agencies and to other persons upon request.

f. The Solicitation and Contracting Process

(1) All notices and synopses published in accordance with FAR Part 5 shall advise interested producers that in order to qualify for contract award, they must first apply to the Executive Agent and be placed on the QFPL or QVPL, as appropriate. Persons and firms not on the QFPL or QVPL may submit proposals in response to a Commerce Business Daily or other notice, but they must apply and must be placed on the appropriate list prior to award.

(2) When an agency is prepared to solicit production or treatment proposals for a motion picture or videotape, the contracting officer will contact the Executive Agent and request the names of producers from the QFPL or QVPL. The Executive Agent will furnish names in increments of ten. The names furnished will be selected from the QFPL or QVPL on a random basis.

(3) The agency will solicit proposals from all firms referred by the Executive Agent. Proposals must be solicited from at least ten producers for each requirement (unless a noncompetitive acquisition is justified in accordance with the FAR). Agencies will determine, in light of the specific film or videotape to be produced, whether more than ten proposals should be solicited. As a general guide, however, agencies should not request more than ten names from the Executive Agent for productions estimated to cost less than \$100,000. Any producer on the QFPL or QVPL may request a copy of an agency's request for proposals. Offers received from such producers shall be evaluated in the same manner as offers received from solicited producers.

g. Small Business Procurements

(1) The Executive Agent will provide the names of small business producers from the QFPL and QVPL when an agency has decided to set aside a procurement for small business concerns.

(2) The agency shall indicate in its requesting memorandum to the Executive Agent that the procurement will be set aside in order to get a listing of only small business producers.

h. Small Purchase Requests

(1) Agencies may use the system for small purchase requests, as defined in FAR, Part 13.

(2) To do so, agencies must apply, in writing, with a copy of the small purchase request, to the Executive Agent requesting three to five names to be randomly selected from the QFPL or QVPL in a specified geographical location.

8. Exceptions to Mandatory Use of the QFPL or QVPL

a. The QFPL or QVPL is mandatory for use by all Federal agencies, except when:

(1) A noncompetitive (sole source) acquisition is justified and conducted in accordance with the FAR.

(2) A contract is made pursuant to section 8(a) of the Small Business Act. Such contracts will be handled in accordance with existing regulations and use of the uniform system is not required.

(3) A contract is required for work in which the development of a motion picture or videotape production represents less than 50 percent of the cost of the contract. In such cases, an agency may determine that the involvement or production by the prime contractor is essential for continuity or is more cost effective than separately contracting for the audiovisual production. If, however, such productions are to be accomplished through a subcontract, the contractor should be encouraged to use producers from the QFPL and QVPL.

(4) A contract is made for sound slide or multimedia productions or for separate media production support services, such as photography, editing, sound recording, or rerecording, sound mixing, artwork, and so forth. Existing regulations and directives will be followed in such instances. If production support services are obtained by contract, the total cost of the services shall not exceed 50 percent of the estimated total cost of the production.

(5) A contract is made for slide/tape productions.

b. These exceptions do not exempt agencies from the reporting requirements specified in paragraph 9—Reporting Requirements.

9. *Reporting Requirements.* All motion picture and videotape productions acquired through contract will be reported to the Federal Procurement Data Center under Service Code T006 and, annually to the National Audiovisual Center, using the Standard Form 203. The Executive Agent will monitor these reports to ensure appropriate use of the QFPL and QVPL.

10. *Federal Acquisition Regulatory Council.* The Federal Acquisition Regulatory Council shall ensure that the policies established herein shall be incorporated in the FAR within 210 days of the effective date of this letter.

11. *Judicial Review.* This Policy Letter is not intended to provide a constitutional or statutory interpretation of any kind and it is not intended, and should not be construed, to create any right or benefit, substantive or

procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person. It is intended only to provide policy guidance to agencies in the exercise of their discretion concerning Federal contracting. Thus, this Policy Letter is not intended, and should not be construed, to create any substantive or procedural basis on which to challenge any agency action or inaction on the ground that such action or inaction was not in accordance with this policy letter.

12. *Effective Date.* This Policy Letter is effective 30 days after the date of issuance. While full implementation of these policies must await needed change to the FAR, it is expected that agencies will take all appropriate actions in the interim to implement this policy that are not dependent upon regulatory change.

13. *Information.* Questions or inquiries about this Policy Letter should be directed to Linda Mesaros, Office of Federal Procurement Policy, 725 17th Street, NW, Washington, DC 20503, telephone (202) 395-3501.

Allan V. Burman,
Administrator.

[FR Doc. 92-7701 Filed 4-2-92; 8:45 am]
BILLING CODE 3110-01-M

THE PRESIDENTIAL COMMISSION ON THE ASSIGNMENT OF WOMEN IN THE ARMED FORCES

Meetings

The commission will hear testimony from military services on policies pertaining to the assignment of female service members.

Dates: Monday April 6, and Tuesday April 7, 8 a.m. to 5 p.m.

Address: Washington, DC.

Please contact Kevin Kirk at (202)653-0864 for exact location of hearings.

Sincerely,
W.S. Orr,
Staff Director.

[FR Doc. 92-7677 Filed 4-2-92; 8:45 am]
BILLING CODE 6820-CD-M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Application To Withdraw From Listing and Registration; (Collins Industries, Inc., Common Stock, \$10 Par Value) File No. 1-9801

March 30, 1992.

Collins Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission

("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, the Board of Directors of the Company (the "Board") unanimously approved resolutions on February 28, 1992 to withdraw the Company's Common Stock from listing on the Amex and, instead, list such Common Stock on the National Association of Securities Dealers Automated Quotations National Market System ("NASDAQ/NMS"). The decision of the Board followed a length study of the matter, and was based upon the belief that listing of the Common Stock on NASDAQ/NMS will be more beneficial to its stockholders than the present listing on the Amex because:

(1) It is believed that the NASDAQ/NMS system of competing market-makers will result in increased visibility and sponsorship for the Common Stock than is presently the case with the single specialist assigned to the stock on the Amex.

(2) It is believed that the NASDAQ/NMS will offer the opportunity for the Company to secure a select group of market-makers and through their sponsorship expand the capital base available for trading in its Common Stock.

(3) It is believed that firms making a market in the Company's Common Stock will be inclined to issue research reports concerning the Company, thereby increasing the number of firms providing institutional research and advisory reports.

Any interested person may, on or before April 20, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary

[FR Doc. 92-7869 Filed 4-2-92; 8:45 am]
BILLING CODE 8010-01-M.

[Rel. No. IC-18634; 811-4685]

Cypress Fund, Inc.; Application

March 27, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Cypress Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application on Form N-8F was filed on September 5, 1991 and amended on March 20, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 21, 1992, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW, Washington, DC 20549. Applicant, 1285 Avenue of the Americas, New York, New York 10019.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272-2190, or Barry D. Miller, Senior Special Counsel, (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end, non-diversified management company

incorporated under the laws of Maryland. On May 30, 1986, applicant filed a notification of registration pursuant to section 8(a) of the Act which was amended on June 3, 1986. On May 30, 1986, applicant also filed a registration statement pursuant to section 8(b) of the Act and a registration statement pursuant to the Securities Act of 1933, which registered an indefinite number of shares of common stock. The registration statement became effective on October 23, 1986.

2. As reflected in proxy materials dated March 28, 1991 (attached as Exhibit F to the initial application), applicant's board of directors, in September 1989, determined that action should be taken if the market price of its shares remained at a material discount from net asset value ("NAV") to enable shareholders to realize the NAV of their shares. On November 27, 1990, the board decided to make a tender for all of applicant's outstanding shares. The tender offer was consummated on January 2, 1991, and 84% of applicant's outstanding shares were tendered. On January 15, 1991, applicant's board of directors took note of the small size of applicant resulting from the tender offer, considered various alternatives, and approved a plan of liquidation and dissolution. On February 21, 1991, applicant filed proxy materials with the Commission relating to the proposed dissolution. Applicant's shareholders approved the Plan at the annual shareholders' meeting held on March 28, 1991.

3. Pursuant to the liquidation, applicant sold its portfolio securities and other assets between April 1991 and July 1991. Applicant's portfolio securities were sold at market prices in open market sales. No brokerage commissions were paid thereon to the applicant's investment adviser, Mitchell Hutchins Asset Management, Inc., or to any of its affiliated persons.

4. On or about June 13, 1991, applicant sent shareholders of record transmittal forms for the purpose of surrendering shares of the applicant in exchange for liquidating distributions. On August 26, 1991, applicant made an initial liquidating redemption. Each shareholder received \$5.95 per share, representing the net asset value per share on that date. As additional shareholders surrendered their shares, applicants made subsequent distributions with each shareholder receiving an amount equal to the next asset value per share on the date of the distribution.

5. At the time of filing the amendment, applicant had assets totalling \$87,565.02,

with 91 shareholders of record. Of these assets, \$6,620.17 are reserved for the payment of existing and anticipated debts and obligations of the applicant, including necessary expenses of liquidation. Applicant's remaining assets are invested in the U.S. Treasury bills.

6. On the date of the order declaring applicant has ceased to be an investment company, control over the applicant's remaining assets will be transferred to Provident Financial Processing Corporation ("Liquidating Agent") as liquidating agent of applicant. Such assets (excluding assets to be used for the payment of debts and obligations of applicant) will be held by the Liquidating Agency for the sole benefit of the remaining shareholders. The Liquidating Agent may incur reasonable expenses in locating the remaining shareholders and charge these expenses against the undistributed assets at the time the expenses are incurred.

7. Pursuant to instructions from the applicant's directors, the Liquidating Agency will invest applicant's remaining assets (pending distribution to shareholders or payment of debts) in money market instruments or money market mutual funds. Not earlier than June 13, 1994, the Liquidating Agency may make a final distribution of all surplus assets remaining under its control to those shareholders who have proved their interests and are entitled to distribution. Any assets remaining unclaimed 60 days after the final distribution for any reason will be presumed abandoned and will be reported to the appropriate state office in accordance with relevant provisions of Maryland law. The Liquidating Agent will provide applicant's directors with periodic reports concerning its activities.

8. Applicant's directors may terminate the agreement with the Liquidating Agent at any time upon 60 days written notice. If terminated, applicant's directors will appoint a new independent liquidating agent to provide the services formerly provided by the Liquidating Agent. If not earlier terminated, the agreement will terminate upon the final distribution of applicant's remaining assets.

9. At the time of filing the amendment, the only known debts of applicant that remain outstanding are to professionals and trade creditors for which an adequate reserve has been established as described above. Any amounts remaining after the payment of such debts will become part of the assets available for distribution to shareholders. Applicant incurred approximately \$90,000 in expenses in

connection with the liquidation, consisting of legal expenses, expenses of printing and mailing communications to shareholders, and miscellaneous accounting and administrative expenses.

10. At the time of filing the amendment, applicant is not a party to any litigation or administrative proceedings.

11. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

12. On June 11, 1991, applicant filed articles of dissolution with the Maryland Department of Assessments and Taxation.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-7672 Filed 4-2-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Order Granting Application To Strike From Listing and Registration; the Pacific Stock Exchange, Inc. (Com Tel, Inc., Common Stock, \$.05 Par Value) File No. 1-6785

March 30, 1992.

The Pacific Stock Exchange, Inc. ("Exchange") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(c) promulgated thereunder to strike the above specified security from listing and registration thereon.

The reasons alleged for striking this security from listing and registration include the following:

According to the Exchange, Com Tel, Inc. ("Company") has failed to meet the Exchange's listing standards, and, therefore, the Exchange seeks to delist the issue pursuant to Exchange Rule 3.5.

The Commission, having considered the facts stated in the application and having due regard for the public interest and protection of investors, orders that said application be, and it hereby is, granted, effective at the opening of business on March 31, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-7670 Filed 4-2-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18633; 811-4637]

Provident Mutual Convertible Securities Fund, Inc.; Application for Deregistration

March 27, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 ("Act").

APPLICANT: Provident Mutual Convertible Securities Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N-8F was filed on January 31, 1992 and amended on March 13, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-7668 Filed 4-2-92; 8:45 am]

BILLING CODE 8010-01-M

Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 21, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, Christiana Executive Campus, 220 Continental Drive, Newark, Delaware 19713.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or Barry D. Miller, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

APPLICANT'S REPRESENTATIONS

1. Applicant is a diversified open-end management investment company organized as a Maryland corporation. On April 11, 1986, applicant registered under the Act and filed a registration statement under the Securities Act of 1933. The registration statement became effective on August 1, 1986, and applicant's initial public offering commenced on December 2, 1986.

2. On December 14, 1990, applicant's board of directors approved an Agreement and Plan of Reorganization ("Plan") between applicant and ProvidentMutual Total Return Trust ("Total Return"), a diversified open-end management investment company organized as a Massachusetts business trust. Under the Plan, Total Return would acquire substantially all of the assets of applicant in exchange for shares of beneficial interest in Total Return. According to the combined proxy statement and prospectus dated March 29, 1991, incorporated by reference into the application, Total Return would deliver to applicant on the closing date the number of Total Return shares determined by dividing the net asset value per share of applicant by the net asset value per share of Total Return and multiplying the result by the number of applicant's outstanding shares as of the closing date. Applicant's shareholders approved the Plan at a special meeting held on July 11, 1991.

3. Pursuant to the Plan, applicant sold its portfolio securities and other assets (less a reserve of \$18,114.13 for unpaid expenses) to Total Return on July 12, 1991, in a transaction that complied with rule 17a-8 under the Act. The shares of Total Return received by applicant in exchange for its assets were then distributed to its shareholders *pro rata* in accordance with their respective interests in applicant.

4. All expenses incurred in connection with the liquidation and dissolution of applicant were borne by the investment adviser, ProvidentMutual Management Co., Inc., or its parent company, Sigma American Corporation.

5. Applicant filed Articles of Dissolution with the Maryland State Department of Assessments and Taxation on November 18, 1991.

6. As of the date of the amended application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-7671 Filed 4-2-92; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT:

Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under title IV of the clean air Act Amendments, sec. 402, Public Law 101-549, 104 stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO₂ allowance and acid rain permitting activities. On

February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,
General Counsel and Secretary.

[FR Doc. 92-6159 Filed 4-2-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 91-48; Notice 2]

Final Determinations That Certain Nonconforming Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final determinations that certain nonconforming vehicles are eligible for importation.

SUMMARY: This notice announces final determinations by the National Highway Traffic Safety Administration (NHTSA) that certain motor vehicles that were not originally manufactured to comply with the Federal motor vehicle safety standards are nevertheless eligible for importation into the United States because they

(1) Are substantially similar to motor vehicles which were originally manufactured to conform to the Federal standards and to be imported into and sold in the United States, and

(2) Are capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

DATES: The final determinations are effective on April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) (the

Act), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined, either pursuant to a petition or on its own initiative, that the motor vehicle

Is substantially similar to a motor vehicle originally manufactured for importation and sale into the United States, certified under section 114 (of the Act), and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

(section 108(c)(3)(A)(i)(I)) or that, "where there is no substantially similar United States motor vehicle," the agency has determined that the

Safety features of the motor vehicle comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as the Secretary determines to be adequate * * *

(section 108(c)(3)(A)(i)(II)).

On November 20, 1991, the agency published notice in the *Federal Register* that it had made tentative determinations of eligibility with respect to a number of passenger cars that were not originally manufactured to conform to the Federal motor vehicle safety standards but met the criteria identified above (56 FR 58605). The reader is referred to that notice for a full discussion of the factors leading to those tentative determinations.

In accordance with section 108(c)(3)(C)(iii) of the Act, the notice solicited public comments on the tentative determinations that NHTSA had made. No comments were received.

Final Determinations

Accordingly, on the basis of the foregoing and the discussion in the notice of tentative determinations, NHTSA hereby determines that each of the passenger cars listed in Annex A is substantially similar to a passenger car originally manufactured for importation into and sale in the United States, certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and of the same model year, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Importation Code Numbers for Eligible Vehicles

The importer of a vehicle admissible under any final determination must indicate on the Form HS-7 accompanying entry the appropriate

importation code number indicating that the vehicle is eligible for entry. Importation code numbers for the vehicles that are covered by this notice appear in the first column of the final determination list in Annex A under the heading "VSA#."

Fees

Section 108(c)(3)(A)(iii) requires registered importers to pay such fees as NHTSA reasonably establishes to cover its cost in making determinations under subsection (i)(I) on its own initiative that motor vehicles are eligible for importation. Pursuant to implementing regulations found at 49 CFR 594.8, NHTSA assesses a fee of \$156 upon each registered importer who submits a statement of conformity for a vehicle covered by an eligibility determination made on NHTSA's own initiative.

Theft Prevention Standard Reminder

Some of the passenger cars covered by this notice of Final Determinations are included in car lines subject to the requirements of 49 CFR part 541, Federal Motor Vehicle Theft Prevention Standard. Under the standard, certain vehicle parts must be marked before the vehicle can enter the United States. Unlike its authority with respect to the Federal motor vehicle safety and bumper standards, NHTSA has no authority to allow post-entry conformance of passenger cars subject to the theft prevention standard. Accordingly, the agency wishes to advise importers who may be interested in importing a passenger car covered by these determinations to refer to appendix A of Part 541 to see whether the car appears on the list, and, if it does, to ensure that the parts specified are marked appropriately and that the required certification label is attached before the car is offered for entry.

(15 U.S.C. 1397(c)(3)(A)(i)(I) and 1397(c)(3)(C)(iii); 49 CFR 593.8; delegation of authority at 49 CFR 1.50)

Issued on: March 27, 1992.

Jerry Ralph Curry,
Administrator.

ANNEX A.—NONCONFORMING PASSENGER CARS ELIGIBLE FOR ENTRY INTO THE U.S.

VSA No.	Model type	Model ID	Model year
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BMW

23	318i, 318Al		1983, and 1987 through 1989.
68	520, 520i		1981.
69	525, 525i		1981.

ANNEX A.—NONCONFORMING PASSENGER CARS ELIGIBLE FOR ENTRY INTO THE U.S.—Continued

VSA No.	Model type	Model ID	Model year
Ferrari			
36	308 (all models)		1974 through 1979, 1981 through 1985.
37	328 (all models)		1985, and 1986 through 1989.
39	Testarossa		1989.
74	Mondial (all models)		1980 through 1989.
76	208, 208 Turbo (all models)		1974 through 1988.
Jaguar			
40	XJS		1981 through 1985.
41	XJ6		1984.
Nissan			
75	Z, 280 Z		1973 through 1977, 1980, and 1981.
Porsche			
60	928		1977.
Mercedes Benz			
44	280SLC	107.022	1976.
44	500SLC	107.026	1978 through 1981.
44	280SL	107.042	1971 through 1974, and 1977.
44	350SL	107.043	1974 through 1977.
44	500SL	107.046	1981 and 1983.
44	560SL	107.048	1986 through 1989.
45	280SE (3.5)	108.057	1970 and 1971.
45	280SE (4.5)	108.067	1970 and 1971.
51	280SEL	116.025	1972 through 1977.
51	350SEL	116.029	1972 through 1975, and 1980.
52	250	123.026	1984 and 1985.
51	280C	123.050	1977 through 1980.
53	300SE	126.024	1985.
53	300SEL	126.025	1987.
53	380SE	126.032	1979.
53	420SE	126.034	1985, and 1987 through 1989.
53	500SEC	126.044	1981.
54	190	201.022	1984.
55	260E	124.026	1985.
55	300D Turbo	124.193	1987 through 1989.

[FR Doc. 92-7676 Filed 4-2-92; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 92-14; Notice 1]

Chrysler Corporation Receipt of Petition for Temporary Exemption From Seven Federal Motor Vehicle Safety Standards

Chrysler Corporation of Highland Park, Michigan, has petitioned for a temporary exemption from seven Federal motor vehicle safety standards, for multipurpose passenger vehicles that are electrically powered. The basis of the petition is that an exemption will facilitate the development and field evaluation of low-emission motor vehicles.

Notice of receipt of the petition is published in accordance with agency regulations on the subject (49 CFR part 555), and does not represent any judgment of the agency on the merits of the petition.

Petition is made on behalf of four 1989 model Chrysler TEVans, electrically driven versions of the Dodge Caravan/Plymouth Voyager multipurpose passenger vehicle. The TEVan was developed in cooperation with the Electric Power Research Institute, Southern California Edison Company, the South Coast Air Quality Management District, and the United States Department of Energy. The basis for the petition is that a temporary exemption allowing the offer for sale and sale of these vehicles would facilitate the development and field evaluation of a low-emission motor vehicle, as provided by 49 CFR 555.6(c). The vehicles use electric motors powered by nickel-iron batteries that replace the internal combustion engine. According to Chrysler, the TEVans emit air pollutants in amounts "significantly below" new motor vehicle standards applicable under section 202 of the Clean Air Act, and with respect to other pollutants, meet the 1989 standards applicable to them. Therefore, the TEVans are low-emission vehicles as defined by section 123(g) of the National Traffic and Motor Vehicle Safety Act.

The TEVan differs from regular production vans as follows: The internal combustion engine, transmission, coolant system, power brakes, gasoline fuel system, and power steering system have been replaced by an electric drive motor, a nickel-iron or equivalent battery pack, a micro-processor based battery management system, a controller-converter-charger unit, a two-speed manual automatic transmission, and electric-motor-driven pumps for the vacuum power brakes and the hydraulically assisted power steering. Finally, the hot water heater/defroster unit has been replaced by an electric

resistance type heating/defrosting system.

Before their conversion, the four TEVans were manufactured to comply with all applicable Federal motor vehicle safety standards. However, they do not comply with the portions of the standards indicated below.

1. Standard No. 102, Transmission Shaft Lever Sequence, Starter Interlock, and Transmission Braking Effect.

§ 3.1.2. The requirement for transmission braking effect is met by regenerative braking, in which the electric motor becomes a generator, recharging the batteries and dissipating energy in the process. Regenerative braking can be switched off at the option of the driver to restore steering control on slippery surfaces.

2. Standard No. 105, Hydraulic Brake Systems.

§ 5.1. The performance of the service brake system is predicated on the use of the regenerative characteristic of the drive motor to augment the power-assisted hydraulic wheel brakes. The motor, driven through the transmission by the mass of the coasting vehicle, functions as a generator to dissipate energy through charging the drive batteries. In the performance tests of § 5.1.1 *Stopping distance*, however, the transmission must be in neutral, and in the TEVan, that would preclude the contribution of regenerative braking. Chrysler has not conducted tests using regenerative braking; however, in its opinion, the TEVan will meet the stopping distance requirements of § 5.1.1 with regenerative braking. In the fade and recovery test, § 5.1.4, the distance specified between the starting points of successive brake applications at 60 mph is 0.4 mile. The TEVan cannot accelerate to 60 mph in that distance, so the test cannot be conducted as prescribed, but Chrysler believes that the TEVan could comply, or nearly comply, with the fade and recovery tests, with regenerative braking, if the TEVan could accelerate as specified.

According to the petitioner, an exemption would facilitate the development and field evaluation of a low-emission motor vehicle by enabling the petitioner to develop the electric drive motor, battery controller, battery, and other subsystems to increase the efficiency and durability of future generations of electric vehicles.

3. Standard No. 207, Seating Systems.

§ 4.2(a)-(c) *General performance requirements.* The right end floor pan anchor sockets for the removable two-passenger second seat have been reduced in height below the floor pan to provide space for a portion of the

battery pack. The modified sockets are believed to be equivalent in strength to the original, but compliance tests have not been performed.

4. Standard No. 210, Seat Belt Assembly Anchorages.

§ 4.2 *Strength.* The modified sockets discussed above must also transmit seat belt forces to the vehicle structure through seat-mounted anchorages. The modified sockets are believed to be equivalent in strength to the original, but compliance tests have not been performed.

5. Standard No. 212, Windshield Mounting.

6. Standard No. 219, Windshield Zone Intrusion.

Windshield mounting and zone intrusion performance are ultimately determined by vehicle front structure crush characteristics. The front structure of the base van, modified to support the electric drive train conformance is believed to be materially equivalent in strength to the original, but a 30 mph barrier test has not been performed to confirm compliance.

7. Standard No. 301, Fuel System Integrity.

§ 5.5 *Fuel spillage: barrier crash*, and § 5.6 *Fuel spillage: rollover.* A 1.6 gallon tank has been provided just behind the rear axle for the fuel used in the diesel fuel-burning heater/defroster. The integrity of the diesel fuel system has not been evaluated with fixed and moving barrier impact tests; however, it is believed that the TEVans would comply with the spillage limitations if they were so tested.

The petitioner has requested exemptions for a period of one year, during which it would title and sell one or more of the vehicles for ongoing endurance evaluation. An exemption would also facilitate the development of the electric motor, controller, and battery for the next generation of the TEVan. Chrysler also argues that the exemptions will not unduly degrade the safety of the vehicles because the vehicles from which the TEVans are adapted were certified as conforming to the standards.

Finally, petitioner argues that granting the exemption would be in the public interest and consistent with the National Traffic and Motor Vehicle Safety Act because it would accelerate the development of electrically-driven vehicles and related technology which could help to reduce the dependency on foreign oil.

NHTSA notes that this petition differs from the usual situation under which a petition is filed before the manufacture of the subject vehicle has commenced.

However, the agency has concluded that, under the circumstances of this case, a petition may be accepted and, further, that an exemption may be granted, provided that findings consistent with the directives of section 123 (15 U.S.C. 1410) can be made. The effect of an exemption is to excuse conduct that is otherwise prohibited by section 108(a)(1)(A) (15 U.S.C. 1397(a)(1)(A); the manufacture for sale, sale, offer for sale, introduction or delivery for introduction in interstate commerce, and the importation into the United States of a nonconforming vehicle, and one that is not certified in accordance with section 114 (15 U.S.C. 1403). In this instance, the petitioner may have introduced a nonconforming vehicle into interstate commerce if the TEVans have been operated on the public roads in California. Although an exemption could not serve retrospectively to excuse such past violation, the conduct in which Chrysler intends to engage, the sale and offer for sale of nonconforming and uncertified vehicles, has not yet occurred. An exemption will permit it to do so without violating section 108(a)(1)(A)).

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the *Federal Register* pursuant to the authority indicated below.

Comment closing date: May 4, 1992.

(15 U.S.C. 1410; delegations of authority at 49 CFR 1.50, and 501.8.)

Issued on March 30, 1992.

Barry Felicia,
Associate Administrator for Rulemaking.
[FR Doc. 92-7674 Filed 4-2-92; 8:45 am]

BILLING CODE 4910-59-M

Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under section

124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

Mr. James D. Kendrick submitted a petition dated February 14, 1992, requesting NHTSA to order a safety recall of certain passenger vans manufactured by Toyota Motor Corporation. Mr. Kendrick claimed that Toyota vans produced prior to July 1985 contain a design defect that relates to motor vehicle safety, in that inadequate torque on the engine crankshaft pulley bolt can allow the timing chain to fail without warning, resulting in substantial damage to other internal engine components. He further alleges that when such failures occur with the vehicle in traffic, they can "pose a serious safety hazard" to the Toyota vans' occupants and to any surrounding vehicles."

The petitioner supports his claim of a design defect by citing a Toyota Technical Bulletin issued on December 2, 1985, which changes the specification of the tightening torque on the crankshaft pulley attaching bolt from 80 foot-pounds to 116 foot-pounds. He further claims that Toyota is well aware of this problem of inadequate bolt torque and the engine failure which could result, and that Toyota has handled such failures and the associated costs of engine repair on a case-by-case basis.

In assessing the merits of the petition, NHTSA reviewed data and information concerning such failures in the subject Toyota vehicles, as well as previous agency actions involving similar failures in other vehicles.

A review of agency data files, including information reported by consumers to the Auto Safety Hotline, disclosed that there were insufficient reports of crankshaft pulley or bolt failures in the subject vehicles to indicate that a failure trend exists, or that such a trend is likely to develop. Only one report of this type of failure involving Toyota vans produced during model years 1982 through 1986 was found in the agency's data files, and a total of only seven possibly related reports involving all 1982 through 1988 Toyota models were identified.

NHTSA has previously investigated crankshaft pulley and bolt failures in other vehicles as a possible safety-related defect. Engineering Analysis (EA) 82-029 addressed this issue as it related to certain 1978 through 1982 Chevrolet Chevette and Pontiac T-1000 models. In that investigation, the primary concerns were whether the resulting loss of power to engine auxiliary systems, together with engine stalling in case of timing chain failure,

created a risk of accident or injury. The investigation identified 570 such failure reports for a population of 2.2 million vehicles.

In EA82-029, engine overheating, the loss of steering power assist, and the loss of alternator function resulting from crankshaft pulley bolt failures did not appear to have caused significant safety problems. While a detached crankshaft pulley could present a hazard to other traffic as it bounced along the road, none of the 570 failure reports disclosed evidence of damage to other vehicles or of personal injuries having been sustained. The property damages reported were confined to the engine compartments of the vehicles that sustained the failures. In addition, the risk of accident due to timing chain failure and engine stalling was not significant. The investigation was closed because the problem of crankshaft pulley bolt failures did not appear to have a significant relationship to motor vehicle safety.

The agency's current review of reported crankshaft pulley bolt failures on the Toyota van does not identify a trend of such failures, and Toyota's issuance of a bulletin to its dealers does not constitute an unqualified admission that a safety defect exists. Even if there were clear and compelling evidence of a defect, the agency's statutory authority is restricted to action on those defects which pose a threat to motor vehicle safety.

NHTSA is unaware of any evidence that crankshaft pulley bolt failures in the subject vehicles pose such a threat to motor vehicle safety, and our previous analyses of similar reported failures in EA82-029 did not result in a conclusion that those failures were safety related.

In consideration of the available information, we have concluded that there is not a reasonable possibility that an order concerning the recall and remedy of a safety-related defect would be issued at the conclusion of an investigation into the petitioner's allegations in this matter. Under the circumstances, further commitment of agency resources does not appear to be warranted at this time. Therefore, the petition is denied.

Authority: Sec. 124, Public Law 93-492; 88 Stat 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 27, 1992.

William A. Boehly,
Associate Administrator for Enforcement.
[FR Doc. 92-7675 Filed 4-2-92; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY**Office of the Secretary**

[Supplement To Department Circular—
Public Debt Series—No. 10-92]

Treasury Notes, Series X-1994

Washington, March 25, 1992.

The Secretary announced on March 24, 1992, that the interest rate on the notes designated Series X-1994, described in Department Circular—Public Debt Series—No. 10-92 dated March 19, 1992, will be 5 1/4 percent. Interest on the notes will be payable at the rate of 5 1/4 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92-7660 Filed 4-2-92; 8:45 am]

BILLING CODE 4810-40-M

[Supplement To Department Circular—
Public Debt Series—No. 11-92]

Treasury Notes, Series K-1997

Washington, March 26, 1992.

The Secretary announced on March 25, 1992, that the interest rate on the notes designated Series K-1997, described in Department Circular—Public Debt Series—No. 11-92 dated March 19, 1992, will be 6 1/4 percent. Interest on the notes will be payable at the rate of 6 1/4 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92-7661 Filed 4-2-92; 8:45 am]

BILLING CODE 4810-40-M

Internal Revenue Service**Enhanced Oil Recovery Credit, Publication of Inflation Adjustment Factor and Reference Price for Calendar Year 1991**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of inflation adjustment factor and reference price for calendar year 1991 as required by section 43(b) of the Internal Revenue Code (26 U.S.C. 43(b)).

SUMMARY: The inflation adjustment factor and reference price are used in determining the availability of the tax credit for qualified enhanced oil recovery costs under section 43 of the Internal Revenue Code.

DATES: The inflation adjustment factor and reference price apply to qualified enhanced oil recovery costs paid or incurred during the 1991 calendar year.

INFLATION FACTOR: The inflation adjustment factor for calendar year 1991 is 1.

PRICE: The reference price for calendar year 1991 is \$16.50.

Because the reference price for calendar year 1991 does not exceed \$28 multiplied by the inflation adjustment factor for calendar year 1991, the enhanced oil recovery credit for qualified enhanced oil recovery costs paid or incurred in 1991 is determined without regard to the phase-out for crude oil price increases.

FOR FURTHER INFORMATION CONTACT:

For the inflation factor—Thomas Thompson, PR:R, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224 Telephone Number (202) 874-0585 (not a toll-free number).

For the reference price—David McMunn, CC:P&SI:6, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224 Telephone Number (202) 566-3553 (not a toll-free number).

Kenneth E. Kempson,
Deputy Associate Chief Counsel, (Domestic/Technical).

[FR Doc. 92-7678 Filed 3-31-92; 11:18 am]

BILLING CODE 4830-01-M

Nonconventional Source Fuel Credit; Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 1991

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of inflation adjustment factor, nonconventional source fuel credit, and reference price for calendar year 1991 as required by section 29 of the Internal Revenue Code (26 U.S.C. 29).

SUMMARY: The inflation adjustment factor, nonconventional source fuel credit, and reference price are used in determining the availability of the tax credit for production of fuel from nonconventional sources under section 29 of the Internal Revenue Code.

DATE: The 1991 inflation adjustment factor, nonconventional source fuel credit, and reference price apply to qualified fuels sold during calendar year 1991.

INFLATION FACTOR: The inflation adjustment factor for calendar year 1991 is 1.7835.

CREDIT: The nonconventional source fuel credit for calendar year 1991 is \$5.35 per barrel-or-oil equivalent of qualified fuels.

PRICE: The reference price for calendar year 1991 is \$16.50.

Because the above reference price does not exceed \$23.50 multiplied by the inflation adjustment factor, the phaseout of credit provided for in section 29(b)(1) of the Internal Revenue Code does not occur for any qualified fuel based on the above reference price.

FOR FURTHER INFORMATION CONTACT:

For the inflation factor and credit—Thomas Thompson, PR:R, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, Telephone Number (202) 874-0585 (not a toll-free number).

For the reference price—David McMunn, CC:P&SI:6, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, Telephone Number (202) 566-3553 (not a toll-free number).

Kenneth E. Kempson,
Deputy Associate Chief Counsel, (Domestic/Technical).

[FR Doc. 92-7679 Filed 3-31-92; 11:18 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY**Winter Institute for the Study of the U.S. for Secondary School Educators**

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The United States Information Agency (USIA) invites applications from U.S. universities to conduct a graduate level, multidisciplinary Winter Institute for the Study of the U.S. for 28 secondary school educators (teacher trainers, curriculum developers and textbook writers) of English language, American literature, government, history and geography, coming primarily from Latin American and African countries. The Institute is conducted entirely in English. Participants approved to attend the program have a high-level fluency in English. USIA is asking for detailed proposals from universities which have an acknowledged reputation in fields concerned with the Study of the U.S. and expertise in conducting graduate-level programs for foreign educators. Final grant award is subject to the availability of FY 1993 funding.

DATES: Deadline for proposals: All copies must be received at USIA by 5 p.m. Washington, DC time, on May 29, 1992. Faxed documents will not be accepted, nor will documents post-

marked May 29 but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline.

Approximate Institute dates (participants' arrival and departure): January 7 to February 20, 1993.

Duration: The award will begin approximately three months prior to participants' arrival date of January 7, 1993, for which period only minimal administrative assistance costs will be allowed. The termination date will be approximately March 1, 1993, a week following participants' departure. Approximate time period for the activity will therefore be October 15 to March 1. No funds may be expended until the agreement is signed.

ADDRESSES: Fifteen copies of the completed application, including the required forms and proposal elements listed in the Attachment Checklist provided with the application packet, should be submitted to: U.S. Information Agency, Attn: Winter Institute for the Study of the U.S. Grants Management Office, E/XE, room 357, 301 4th Street, Washington, DC 20547.

FOR FURTHER TECHNICAL INFORMATION
CONTACT: Interested U.S. organizations should contact Dr. Katherine Passias at the U.S. Information Agency, Division for the Study of the U.S., E/AAS, room 250, 301 4th St. SW., Washington, DC 20547, telephone: (202) 819-4557, to request detailed application packets, which include award criteria, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information, and the Attachment Checklist outlining the contents of a complete application package.

SUPPLEMENTARY INFORMATION: The authority for this exchange program is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-258 (Fulbright-Hays Act). The Fulbright Program seeks to increase mutual understanding between the people of the United States and people of other countries. Programs under the authority of the Act "shall maintain their non-political character and shall be balanced and representative of American political, social and cultural life * * *" and "shall maintain their scholarly integrity and shall meet the highest standards of academic excellence * * *."

Overview: The Winter Institute aims to provide a deeper understanding of

U.S. culture and civilization for secondary school educators from Latin American and African countries who are concerned professionally with the study of the U.S. The Institute will assist participants by providing information and resources that can be incorporated into curricula in their home countries.

Eligibility: Accredited colleges and universities with graduate programs in fields related to the study of the U.S., including consortia of universities, are eligible to apply. Proposals from consortia may be submitted by a member institution with documented authority to represent all members. The project director, or one of the key program staff responsible for the academic program, must have an advanced degree in a field related to the study of the U.S. University staff escorts traveling under USIA cooperative agreement support must be U.S. citizens with demonstrated qualifications for this service.

Programs must conform to all Agency requirements, eligibility factors and budget guidelines contained in this notice and the application package and are subject to final review by the USIA contracting officer. USIA-funded administrative costs as defined in the application package must not exceed \$40,000. Applications requesting more than \$40,000 for administrative costs, and/or more than \$170,000 for total institute costs to USIA, or that do not allocate these costs consistent with the budget instructions will not be considered.

Review Process: USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for cooperative agreement awards resides with USIA's contracting officer.

Review Criteria: Technically eligible applications will be competitively reviewed according to the following criteria:

1. Overall quality. Academic rigor and imaginative design.

2. Institutional capacity. Proposed resources and approaches should be adequate and appropriate to achieve the program goals. Careful planning should be evidenced.

3. Experience with foreign educators; track record with international exchange programs.

4. Value to U.S.-partner country relations. Assessments by USIA's geographic area desk and overseas officers of the need, potential impact and significance in the partner country(ies).

5. Plan for an evaluation at the conclusion of the Institute by the grantee institution.

6. Evidence of strong on-site administrative and managerial capabilities (with specific discussion of how managerial and logistical arrangements will be undertaken).

7. Experience of professionals and staff assigned to the program.

8. Availability of local and state resources for the orientation and Institute.

9. Quality of the educational/cultural tour designed to enhance and complement the academic program.

10. Cost-effectiveness and cost-sharing.

11. Track record of past grantee institutions; demonstrated potential of new applicants.

Notice: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final awards cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification: All applicants will be notified of the results of the review process on or about August 15, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: March 27, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-7853 Filed 4-1-92; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, April 7, 1992, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum re: Increase in funding authority for development of Legal Division Information Management System (LDIMS).

Discussion Agenda

Memorandum and resolution re: (1) Final amendments to the Corporation's rules and regulations, entitled "Minority and Women Outreach Program," which establish in regulatory form an outreach program to maximize the participation of minorities and women, and firms owned by minorities and women in all Corporation contracts; and (2) a Corporation directive implementing procedures to ensure to the fullest extent practicable that firms owned by minorities and women are given the opportunity to participate in all contracting activities that the Corporation enters into for goods and services.

Memorandum and resolution re: Statement of Policy Regarding Applications for Deposit Insurance.

Memorandum and resolution re: Proposed amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which would increase the assessment to be paid by Bank Insurance Fund members during the second half of calendar year 1992 and thereafter.

Memorandum and resolution re: Proposed amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which would increase the assessment to be paid by Savings

Association Insurance Fund members during the second half of calendar year 1992 and thereafter.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 31, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-7843 Filed 4-1-92; 1:42 p.m.

BILLING CODE: 6714-0-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, April 7, 1992, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Report of the Director, Division of Supervision.

Reports of the Office of Inspector General:

Audit Report re:

South Brunswick Consolidated Office, Cost Center—505 (Memo dated February 14, 1992)

Audit Report re:

Columbia First Bank, a Federal Savings Bank, Arlington, Virginia, Assistance Agreement, Case Number: C-250c (Memo dated February 19, 1992)

Audit Report re:

First Gibraltar Bank, FSB, Dallas, Texas, Assistance Agreement, Case Number: SW-021 (Memo dated March 6, 1992)

Audit Report re:

Franklin Federal Bancorp, F.S.B., Austin, Texas, Assistance Agreement, Case

Federal Register

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Number: SW-016c (Memo dated March 5, 1992)

Audit Report re:

InterWest Savings Bank, A Federal Savings Bank, Oak Harbor, Washington, Assistance Agreement, Case Number: C-301c (Memo dated March 6, 1992)

Audit Report re:

Jackson County Federal Bank, FSB, Medford, Oregon, Assistance Agreement, Case Number: C-381c (Memo dated March 6, 1992)

Audit Report re:

New West Federal Savings and Loan Association, Stockton, California and American Savings Bank, F.A., Stockton, California, Assistance Agreement, Case Number: C-379 (Memo dated March 12, 1992)

Audit Report re:

Security Trust Federal Savings and Loan Association, Oak Ridge, Tennessee, Assistance Agreement, Case Number: C-254c (Memo dated February 24, 1992)

Audit Report re:

Capitol Bank and Trust Company, Boston, Massachusetts (4308) (Memo dated February 27, 1992)

Audit Report re:

The National Bank of Washington, Washington, DC (4257) (Memo dated March 13, 1992)

Audit Report re:

Inventory Closing Procedures, Oklahoma City Consolidated Office (Memo dated March 6, 1992)

Audit Report re:

Financial and Compliance Audit of the Broadmarket Square (Memo dated March 4, 1992)

Audit Report re:

Financial and Operational Audit of the Haverhill Park Apartments (Memo dated March 13, 1992)

Audit Report re:

Financial and Compliance Audit of the Meadowstone Place, (Memo dated March 13, 1992)

Audit Report re:

Financial and Compliance Audit of the Ramada Hotel, Tyler, Texas (Memo dated March 13, 1992)

Audit Report re:

Financial and Operational Audit of the Terrace Tower II Office Building (Memo dated February 28, 1992)

Audit Report re:

Financial Audit of the Vineyard Apartments (Memo dated February 28, 1992)

Audit Report re:

Financial and Operational Audit of the Waterveiw Office Center (Memo dated February 28, 1992)

Audit Report re:

Audit Report on the Management and Operations of the Westchester Office

Center by Cambridge Management, Inc. (Memo dated February 21, 1992)

Audit Report re:

Audit of Division of Liquidation Oversight of Property Management Companies (Memo dated March 12, 1992)

Audit Report re:

Audit of Division of Supervision Off-site Monitoring Function (Memo dated March 13, 1992)

Audit Report re:

Audit of Legal Expenses Paid to the Law Firm of Graves, Dougherty, Hearon & Moody (Memo dated March 13, 1992)

Audit Report re:

Summary Report on the Travel Voucher Reviews of the Board of Directors (Memo dated March 13, 1992)

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension of removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof.

Names of persons and names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda

Personnel actions regarding appointments, promotions, administrative pay increases, reassessments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 31, 1992.

Federal Deposit Insurance Corporation.
Robert E. Feldman,
Deputy Executive Secretary.
[FR Doc. 92-7844 Filed 4-1-92; 1:42 pm]
BILLING CODE 6714-0-M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND PLACE: 10:00 a.m., April 20, 1992.

PLACE: 5th Floor, Conference Room, 805 Fifteenth Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the last meeting.
2. Annual financial audit presentation by Arthur Andersen & Co.
3. Thrift Savings Plan activities report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523-5660.

Dated: March 30, 1992.

Francis X. Cavanaugh,
Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 92-7792 Filed 4-1-92; 10:29 am]

BILLING CODE 6760-01-M

NATIONAL COUNCIL ON DISABILITY

Quarterly Meeting and Conference

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability and conference addressing the unique needs of minorities with disabilities. This notice also describes the functions of the National Council. Notice of this meeting is required under section 522(b)(10) of the "Government in Sunshine Act" (P.L. 94-409).

DATES: Quarterly Meeting—

May 4, 1992, 8:30 a.m. to 5:00 p.m.

May 5, 1992, 8:30 a.m. to 5:00 p.m.

LOCATION: Ramada Renaissance Hotel, 1001 East County Line Road, Jackson, Mississippi, 1-601-957-2800.

DATES: Conference addressing The Unique Needs of Minorities with Disabilities: Setting an Agenda for the Future—

May 6, 1992, 8:30 a.m. to 5:00 p.m.

May 7, 1992, 8:30 a.m. to 5:00 p.m.

LOCATION: Jackson State University, Campus Student Union, Jackson, Mississippi, 1-601-968-2370.

FOR FURTHER INFORMATION CONTACT: National Council on Disability, 800 Independence Avenue, SW, Suite 814,

Washington, D.C. 20591, (202) 267-3848, TDD: (202) 267-3232.

The National Council on Disability is an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Public Law No. 95-602 in 1978), the National Council was initially an advisory board within the Department of Education. In 1984, however, the National Council was transformed into an independent agency by the Rehabilitation Act Amendments of 1984 (Public Law 98-221).

The National Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting individuals with Disabilities and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, the National Council is mandated to provide guidance to the President's Committee on Employment of People With Disabilities.

The quarterly meeting of the National Council and the conference shall be open to the Public. The proposed agenda includes:

Conference addressing The Unique Needs of Minorities with Disabilities:
Setting an Agenda for the Future
Report from Chairperson and Executive Committee

Update on NIDRR

Update on ADA Watch

Update on public policy studies:
education; technology; and, health insurance

Committee Meetings/Committee Reports

Unfinished Business

New Business

Announcements

Adjournment

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

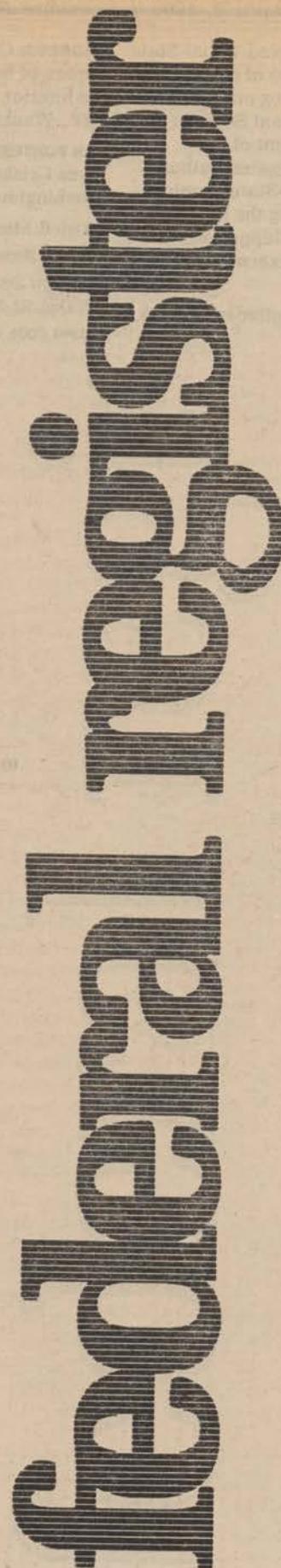
Signed at Washington, D.C. on March 31, 1992.

Ethel D. Briggs,

Executive Director.

[FR Doc. 92-7868 Filed 4-1-92; 3:26 pm]

BILLING CODE 6820-BS-M



**Friday
April 3, 1992**

Part II

**Department of the
Interior**

Bureau of Indian Affairs

Indian Gaming; Notice

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Indian Gaming**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710 of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the Federal

Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority has approved the Tribal-State Gaming Compact of 1991 between the Bad River Band of Lake Superior Chippewa and the State of Wisconsin executed on December 12, 1991.

DATE: This action is effective on April 3, 1992.

ADDRESS: Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, MS/MIB 4603, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Joyce Grisham, Bureau of Indian Affairs, Washington, DC 20240, (202) 208-7445.

Dated: March 30, 1992.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 92-7682 Filed 4-2-92 8:45 am]

BILLING CODE 4310-02-M

Friday
April 3, 1992



Part III

Department of Defense General Services Administration National Aeronautics and Space Administration

**48 CFR Parts 31 and 42
Federal Acquisition Regulation;
Independent Research and Development
Costs, Allowability Criteria; Proposed
Rule**

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 31 and 42**

[FAR Case 91-77]

**Federal Acquisition Regulation;
Independent Research and
Development Costs, Allowability
Criteria**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing changes to the Federal Acquisition Regulation (FAR) to amend the cost principle at 31.205-18, Independent research and development and bid and proposal costs, and to remove and reserve subpart 42.10, Negotiating Advance Agreements for Independent Research and Development/Bid and Proposal Costs.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before May 4, 1992, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), ATTN: Deloris Baker, 18th & F Streets, NW., room 4041, Washington, DC 20405.

Please cite FAR case 91-77 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson at (202) 501-3221 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4041, CS Building, Washington, DC 20405, (202) 501-4755. Please cite FAR case 91-77.

SUPPLEMENTARY INFORMATION:**A. Background**

Section 802 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Act) (Pub. L. 102-190), amended section 2372 of title 10, United States Code, concerning contractors' allowable independent research and development and bid and proposal (IR&D/B&P) costs. The Act made significant changes in the treatment of IR&D/B&P costs and eliminates most of the detailed administrative procedures

that are currently in place to control the amount of IR&D/B&P reimbursements to contractors (e.g., advance agreement negotiations and formal IR&D technical review and evaluation process (on-site grading)). The provisions of the Act become effective beginning October 1, 1992.

As amended by the Act, 10 U.S.C. 2372 provides, in part, that IR&D/B&P costs shall be allowable as indirect expenses on covered contracts to the extent that those costs are allocable, reasonable, and not otherwise unallowable, and for major contractors, for the first three contractor fiscal years beginning October 1, 1992, do not exceed a five percent general increase in allowable IR&D/B&P costs per year. Under the proposed rule, IR&D/B&P costs incurred by small companies would be fully allowable subject only to the normal standards of reasonableness and allocability.

This proposed rule amends FAR 31.205-18(a) by changing the definition of "company" to "contractor" and revising the definition, and adding definitions for "covered contract," "covered segment," and "major contractor." FAR 31.205-18(c) is amended to provide that IR&D/B&P costs are allowable as indirect expenses on contracts to the extent that they are allocable and reasonable and for major contractors do not exceed a five percent general increase in allowable IR&D/B&P costs per year during a three-year transition period beginning October 1, 1992; and, provide that the allowable cost limitation for IR&D/B&P costs may be waived in special circumstances for major contractors. FAR 31.205-18(e) is added to clarify that research and development costs incurred by a contractor pursuant to a cooperative agreement may be considered as allowable IR&D costs if the work performed would have been allowed as contractor IR&D had there been no cooperative agreement. FAR subpart 42.10 is removed and reserved, since there is no longer a requirement for single-lead agency negotiations and formal IR&D technical reviews and evaluations (on-site grading). Changes to the Defense Federal Acquisition Regulation Supplement to implement other requirements of 10 U.S.C. 2372, as amended by section 802 of Public Law 102-190, are being published separately.

B. Regulatory Flexibility Act

The proposed changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the changes eliminate the

formula method currently prescribed by the FAR which limits the total amount of allowable IR&D/B&P costs for small companies. Under the proposed rule, IR&D/B&P costs incurred by small companies would be fully allowable on contracts to the extent that they are allocable and reasonable. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy for the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR Case 91-77), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 31 and 42

Government procurement.

Dated: March 27, 1992.

Albert A. Vicchioli,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR parts 31 and 42 be amended as set forth below:

1. The authority citation for 48 CFR parts 31 and 42 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 31.205-18 is amended in paragraph (a) by removing the definition of *Company* and by adding definitions for *Contractor*, *Covered contract*, *Covered segment*, and *Major contractor*; revising paragraph (c); and adding paragraph (e) to read as follows:

31.205-18 Independent research and development and bid and proposal costs.

(a) * * *

Contractor, as used in this subsection, includes all divisions, subsidiaries, and affiliates under common control.

Covered contract, as used in this subsection, means a prime contract entered into by a Government agency

for an amount more than \$100,000, except for a fixed-price contract without cost incentives. It also includes a subcontract for an amount more than \$100,000, except for a fixed-price subcontract without cost incentives under such a prime contract.

Covered segment, as used in this subsection, means a product division of the contractor that allocated more than \$1,000,000 in IR&D/B&P costs to covered contracts during the preceding fiscal year. In the case of a contractor that has no product divisions, such term means that contractor as a whole. A product division of the contractor that allocated less than \$1,000,000 in IR&D/B&P costs to covered contracts during the preceding fiscal year shall not be subject to the limitations for major contractors set forth in 31.205-18(c)(1).

* * * * *

Major contractor, as used in this subsection, means any contractor whose covered segments allocated to covered contracts a total of more than \$10,000,000 in IR&D/B&P costs in the preceding fiscal year. For purposes of calculating the dollar threshold amounts to determine whether a contractor meets the definition of "major contractor", contractor covered segments allocating less than \$1,000,000 of IR&D/B&P costs to covered contracts in the preceding year shall not be included.

* * * * *

(c) *Allowability*. Except as provided in paragraphs (c), (d), or (e) of this subsection, costs for IR&D and B&P are allowable as indirect expenses on contracts to the extent that those costs are allocable and reasonable. The following limitations apply to major contractors—

(1) For the first three contractor fiscal years beginning on or after October 1, 1992, the total maximum allowable amount of IR&D/B&P costs shall not exceed the sum of:

(i) The total amount of allowable IR&D/B&P costs in the preceding fiscal year (lower of the previous year's ceiling or actual costs incurred); plus

(ii) Five percent of the amount in (c)(1)(i) of this subsection; plus

(iii) If the total amount of IR&D/B&P costs for a fiscal year is greater than the total amount of IR&D/B&P costs for the preceding fiscal year, the amount that is determined by multiplying the amount in (c)(1)(i) of this subsection by the lesser of—

(A) The percentage by which the total amount of IR&D/B&P costs for a fiscal year exceeds the total amount of such costs for the preceding fiscal year; or

(B) The percentage rate of inflation from the end of the preceding fiscal year to the end of the fiscal year for which the amount of the limitation is being computed. The rate of inflation shall be the price escalation index for the Research, Development, Test & Evaluation (RDT&E) account, Total Obligation Authority (TOA) which is published annually (normally in January) by the Department of Defense Comptroller and used in preparation of the annual submission of the Defense budget. This rate will be published in the *Federal Register* on an annual basis.

(2) Major contractors shall submit, in accordance with agency guidance, financial and technical information to support their IR&D/B&P costs. If a contractor fails to provide such required information, payment for IR&D/B&P costs shall not exceed 75 percent of the amount which, in the opinion of the contracting officer, the contractor or profit center would otherwise be entitled to receive. Written notification of the contracting officer determination of a reduced amount shall be provided to the contractor.

(3) A waiver may be granted, in accordance with agency procedures, to increase the amount prescribed in (c)(1)

of this subsection for the following special circumstances:

(i) To ensure that the contractor's allowable IR&D/B&P costs are at least the same amount that would have been allowed under this subpart which was in effect prior to enactment of Public Law 102-190; or

(ii) When it is in the best interest of the Government.

* * * * *

(e) *Cooperative agreements*. IR&D effort may be performed by contractors working jointly with one or more non-Federal entities pursuant to a cooperative agreement (for example, joint ventures, limited partnerships, teaming arrangements, and collaboration and consortium arrangements). IR&D effort may also be performed by contractors pursuant to cooperative research and development agreements, or similar arrangements, entered into under (1) section 12 of the Stevenson-Wydler Technology Transfer Act of 1980 (15 U.S.C. 3710a); (2) sections 203(c) (5) and (6) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c) (5) and (6)), when there is no transfer of Federal appropriated funds; or (3) other equivalent authority. IR&D costs incurred by a contractor pursuant to these types of cooperative agreements should be considered as allowable IR&D costs if the work performed would have been allowed as contractor IR&D had there been no cooperative agreement.

PART 42—CONTRACT ADMINISTRATION

Subpart 42.10 [Removed]

3. Subpart 42.10, consisting of sections 42.1001 through 42.1008, is removed and reserved.

[FR Doc. 92-7520 Filed 4-2-92; 8:45 am]

BILLING CODE 6820-34-M

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